BEFORE HEARING COMMISSIONERS APPOINTED BY THE CENTRAL OTAGO DISTRICT COUNCIL

IN THE MATTER OF	The Resource Management Act 1991 (**RMA** or **the Act**)
AND	
IN THE MATTER OF	Hearing of Submissions and Further Submissions on Proposed Plan Change 19 (**PC19**) to the Central Otago District Plan (**CODP** or **the District Plan**)
AND	

STAGE 1 – PROVISIONS HEARING

LEGAL SUBMISSIONS FOR THE DOUG JONES FAMILY TRUST AND SEARELL FAMILY TRUST NO. 2

Dated: 18 April 2023

Presented for filing by:
Chris Fowler
PO Box 18, Christchurch
T 021 311 784 / 027 227 2026
chris.fowler@saunders.co.nz

INTRODUCTION

1 These submissions are filed on behalf of the Doug Jones Family Trust and the Searell Family Trust No 2 (**Trust**).

2 The Trust has submitted on Plan Change 19 to the Central Otago District Plan (**PC19**) seeking, among other matters, amendment to residential subdivision provisions and zoning maps relating to Bannockburn. The objective of the submission is to enable an increase in the density of residential development within the existing residential zone at Bannockburn to support housing growth consistent with the National Policy Statement for Urban Development 2020 (**NPS-UD**) whilst respecting the existing urban character of the settlement. The submission also seeks to enable limited commercial development along Bannockburn Road as contemplated by the Cromwell Spatial Framework Plan (**Spatial Plan**).

3 The bulk of the Trust's case in support of their submission will be presented at the Stage 2 hearing, however there are matters pertinent to their submission that are being discussed at the Stage 1 hearing and hence the need for these submissions and the expert planning evidence filed by Craig Barr on behalf of the Trust (and other submitters).

4 In particular these submissions focus on whether the Central Otago District Council (**Council** or **CODC**) qualifies as a tier 3 local authority under the NPS-UD. For the reasons discussed below we consider that the Council is a tier 3 authority and that accordingly there are important objectives and policies that PC19 is required to achieve under the NPS-UD with respect to Cromwell and urban settlements within the Cromwell ward.

5 This has important implications for the Trust's submission regarding Bannockburn that will be discussed in more detail at the Stage 2 hearing.

INTERPRETATION OF THE TERM "URBAN ENVIRONMENT"

6 The NPS-UD defines a tier 3 local authority as "*a local authority that has all or part of an urban environment within its region or district, but is not a tier 1 or 2 local authority…*"

7 The s42A report, at para 27, asserts that the COD is not a tier 3 urban environment. The report writer's reasoning is that "…while Cromwell is expected to reach the threshold of an 'urban environment' over the life of the

Spatial Plan, this is not currently the case, nor is it expected to occur over the life of these District Plan provisions. I consider that "intended to be" should be interpreted in this context."

8 That approach is a misinterpretation of the term "urban environment" as defined in the NPS-UD, which is:

> ***urban environment*** *means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*
>
> *(a) is, or is intended to be, predominantly urban in character; and*
>
> *(b) is, or is intended to be, part of a housing and labour market of at least 10,000 people*

9 The statutory definition of "urban environment" does not include any reference to a time span, whether in isolation, or in relation to any particular planning document.

10 Even so, other NPS-UD provisions inform interpretation of the time span relevant to the definition of "urban environment" (emphasis added) as follows:

> ***Objective 1:*** *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*
>
> ***Policy 2:*** *Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term*

11 The time spans referred to in Policy 2 are defined in the NPS-UD as follows:

(a) **short term** means within the next 3 years;

(b) **short-medium term** means within the next 10 years;

(c) **medium term** means between 3 and 10 years; and

(d) **long term** means between 10 and 30 years.

12 It follows that the NPS-UD is future looking and is intended to apply over a time span of at least 30 years. The words "intended to be" within the definition of "urban environments" should logically be informed by this time span. Accordingly, any area of land that is intended to be part of a housing and labour market of at least 10,000 people within at least the next 30 years is currently an "urban environment".

13 Put simply, the life of the district plan is irrelevant to assessment of whether an "area of land" is an urban environment under the NPS-UD. Instead, the

assessment should focus on population growth forecasts, which are now discussed.

Growth projections for Cromwell Ward and Cromwell

14 The s42A report states (at para 28) that-

> *"PC19 is also based on Spatial Plans which have been prepared to respond to anticipated demand over a 30-year period, which in turn have been informed by growth projections prepared by Rationale."*

15 And further that "CODC has also continued to monitor growth and update the growth projections." A footnote directs the reader to a document prepared by Rational entitled "Growth Projections – 2022" dated April 2022 (**Growth Projections Report 2022**).

16 The Spatial Plan for Cromwell records that population growth and projections for the Cromwell area were analysed by Rationale in 2018[1] and that the Cromwell Ward residential population is forecast to reach 10,900 by 2038.[2]

17 The more recent Growth Projections Report 2022 paints a different picture. It forecasts that the usually resident population in the Cromwell Ward will reach 10,941 by 2024.[3]

18 Section 3.1.1 of the Report provides an explanation for this rapid increase in population growth as follows:

> *"The growth in this area has been driven by a steady rise in job opportunities since 2013, which has accelerated the last three years. The average annual growth rate in jobs since 2013 has been 6.8%, almost 6 times that of the other wards… This strong growth has been primarily led by a thriving agriculture industry, which has seen an average annual growth rate of 21% the last three years and is well positioned as the dominating employment industry in the ward.*
>
> *Migration into this ward has become more popular with young adults (25-34 years) in the last 3 years compared to 2013-2018.*
>
> *…*

[1] Rationale 'Cromwell Housing and Business Capacity Draft Assessment' for Central Otago District Council, October 2018

[2] Spatial Plan at section 2.5 Future Assessed Yield

[3] Growth Projections 2022, page 13

> *Short term and long term indicators suggest the growth in this ward will continue to be higher than the rest of the district, although it will slow down in comparison to the growth shown since 2013."*

19 Section 3.2 of Growth Projections Report 2022 also forecasts that Cromwell will have a usually resident population of 10,000 by 2040, only 17 years from now. It's clear from the Report that Cromwell is intended to be part of a housing and labour market of at least 10,000 people, well within the long term (30 year) horizon provided by the NPS-UD, and therefore <u>is currently</u> an urban environment as that term is defined in the NPS-UD. It follows that the Council <u>is currently</u> a Tier 3 local authority.

20 Further, the Council is also considered a tier 3 authority with respect to urban areas within the Cromwell ward on the basis that the definition of "urban environment" in the NPS-UD refers to "any area of land" that satisfies the criteria at (a) and (b) of that definition.

Correspondence from the Ministry of Housing and Urban Development

21 Finally, also in support of the report writer's interpretation of "urban environment", correspondence from the Ministry of Housing and Urban Development (MHUD) is referenced. That corespondence simply records that CODP "…was not one [of the district plans] that we checked to make sure that the car parking requirements had been removed within the required timeframe for tier 1, 2 or 3 local authorities."

22 This correspondence does not say that MHUD has investigated or determined whether or not the Central Otago District (**COD**) contains an "urban environment" and is therefore a tier 3 authority. It does record the assertion of Ann Rodgers, on behalf of CODC, that COD does not contain an "urban environment". However, even if MHUD had "checked" the CODP provisions, it would have had to look behind the CODC assertion, and in particular, at relevant documents such as the Spatial Plan prediction that Cromwell will have 10,000 residents by 2040, in order to determine whether the car parking requirements need to be removed. The fact that MHUD has not made any assessment does not advance the report writer's argument.

PC19 ALIGNMENT WITH NPS-UD

23 The s42A report writer then goes on to assert, at para 28, that *"PC19 is considered to align with the NPS-UD in any case…"* However, in making this

assessment, the writer refers to clause 1.5 of the NPS-UD, stating that "Tier 3 local authorities are *encouraged* but are not *required* to do the things required of Tier 1 and Tier 2 authorities." The s42A report writer then refers to Objectives 7, 1, 2, 4 and 6 of NPS-UD as provisions which PC19 is aligned with.

24 Firstly, and with respect, this mis-quotes clause 1.5 which says that tier 3 local authorities are "strongly encouraged" (emphasis added) to do the things that tier 1 or 2 local authorities are obliged to do under Parts 2 and 3 of the NPS.

25 Secondly, whilst it is correct that there are a number of provisions in the NPS-UD which are only required to be implemented by tier 1 and/or tier 2 local authorities, there are *many more* provisions of the NPS-UD than are referred to in paragraph 28 of the s42A report that must be complied with by tier 3 local authorities, including the provisions detailed at **Appendix A** to these submissions.

26 The Provisions at Appendix A are requirements for Tier 3 and other local authorities. They are not simply matters that Tier 3 local authorities are "strongly encouraged" to do. The balance of the provisions in parts 2, 3 and 4 of the NPS-UD are requirements for tier 1 and/or tier 2 local authorities only, and it is those provisions which tier 3 authorities are strongly encouraged to do.

RELEVANT CASELAW

27 In recent the case of *Re Otago Regional Council*,[4] the Central Otago District Council acknowledged that it is a tier 3 local authority in terms of NPS-UD. The Council was one of a group of five territorial authorities (referred to in the judgment as "The Territorial Authorities") taking part in the case about Plan Change 7 (PC7) to an Otago Regional Plan for Water. The other territorial authorities in the group were: Dunedin City Council, Queenstown Lakes District Council, Clutha District Council and Waitaki District Council.

28 PC7 came about because a large number of existing water take permits, including those held by the Territorial Authorities for community water supplies, were due to expire. Applications to renew those resource consents would have to be made, but it was acknowledged by all parties, including the Regional Council, that its operative Regional Plan (which had been notified in

[4] [2021] EnvC 164

1997 and made operative in 2004) was not fit for purpose in this regard. In particular, it did not give effect to the National Policy Statement for Freshwater, nor the NPS-UD 2020.

29 As a stop-gap measure, PC7 would have limited the duration for which replacement water take consents could be granted to 6 years. The Territorial Authorities objected, referring to their obligations under the NPS-UD to provide "sufficient development capacity to meet expected demand for housing and business land in the short, medium and long term", [that] development capacity [being] "sufficient" when, amongst the matters, it is plan-enabled and infrastructure-ready."[5] The Territorial Authorities sought that their replacement and new consents to take water for community supplies should be able to be granted on much longer terms than 6 years.

30 The Court decision records that, "the Territorial Authorities are concerned that in six years' time, if the permits are not reconsented on the same conditions or if the permits are reviewed by the Regional Council under a future regional plan, they may need to redesign (if not yet constructed) or retrofit the take and distribution infrastructure. Worse still, some schemes may simply become "stranded". At the hearing's conclusion, the Regional Council had amended its position and supported an exception from the policies on duration for replacement consents. It was the Territorial Authorities' case, however, that if approved, PC7 may cause District Councils to defer necessary upgrades rather than risk incurring additional costs and they pursued an exception for both new and replacement consents."[6]

31 The Court also recorded the evidence of CODC that its water metering records showed that, of the water taken for supply, 30- 38% is lost from the scheme, and the balance is supplied for a wide range of uses, 42.9% of which is residential. Urban growth was predicted to increase residential use to 54.6% of water distributed by 2034/2035. It was said that this increase could be met from the consented volumes.[7]

32 In discussing the application of the NPS-UD, the Court said (emphasis added):

> *[357] The NPS-UD 2020 applies to all local authorities that have all or part of an urban environment within their district or region, and to local authority planning*

---

[5] *Re Otago Regional Council* [2021] EnvC 164, at para 358
[6] Supra, para 336-337
[7] Supra, para 340

> *decisions. The NPS-UD 2020, therefore, applies to the Otago Regional Council* ***and the Territorial Authorities****.*
>
> *[358] While the NPS objectives and most policies are relevant, because the Territorial Authorities are concerned that PC7 inhibits them from fulfilling their statutory obligations, our focus is on pt 3: Implementation.* ***The Territorial Authorities highlight that local authorities must provide sufficient development capacity to meet expected demand for housing and business land in the short, medium and long term.*** *Development capacity is "sufficient" when, amongst the matters, it is plan-enabled and infrastructure-ready.*
> *.....*

33 The definition of "urban environment" was considered by the Court in *Endsleigh Cottages v Hastings District Council*,[8] where it was decided that an area of rural-residential development did not meet the definition of "urban environment". That case was decided with reference to the NPS-UDC 2016, when the definition of "urban environment" was:

> *"Urban environment means an area of land containing, or intended to contain, a* ***concentrated settlement of 10,000 people*** *or more and any associated business land, irrespective of local authority or statistical boundaries."* (emphasis added)

34 The Court in *Endsleigh* noted that, at paragraph 249, that it had no evidence that the area of land in question was intended to have a concentrated settlement of 10,000 people. The situation in that case was materially different from the current case, where the Council's own projections show that Cromwell is anticipated to have a population of 10,000 by 2040.

35 Further, we note that the requirement for "a concentrated settlement" has been removed from the NPS-UD definition of "urban environment" and replaced with reference to "any area of land" that meets the criteria at (a) and (b) of the definition.

IMPLICATIONS FOR THE TRUST'S LAND AT BANNOCKBURN

36 In summary to this point, there is a compelling argument that the Council is a tier 3 authority under the NPS-UD with respect to the urban environment at Cromwell and, more broadly, the urban areas within the Cromwell ward.

37 In this context, it's noteworthy that the Spatial Plan identifies Bannockburn as a Centre/Node of the Cromwell urban area and includes the following comments[9]:

---

[8] [2020] EnvC 64

[9] At page 42 the Spatial Plan

- *Over time the town can and will develop new nodes to support inter-related community facilities, visitor attractions and town services.*
- *There should be a network/hierarchy of 'places for people' planned as nodes that respond to the life and activity of the town and its outlying settlements.*

38 These comments are unsurprising given the short (6 minute) drive between the two urban areas and their common location within the Cromwell Basin. The two are interlinked and PC19 should make appropriate provision for urban development within both Cromwell and Bannockburn in accordance with the Council's obligations as a tier 3 authority under the NPS-UD.

39 Craig Barr has filed expert planning evidence for the Trust (and other submitters). Mr Barr has identified the provisions of the NPS-UD that are of "high relevance" to PC19, namely: Objective 2, Policy 1, Policy 2, Policy 5 and Policy 8.[10]

40 In this regard, the Trust's central proposition at the Stage 2 hearing will be that the these highly relevant objectives and policies of the NPS-UD would be better achieved by the relief sought in the Trust's submission than by the notified provisions and zoning maps of PC19. The Trust intends to present further legal submissions and expert evidence in support of this proposition at that hearing.

Dated: 18 April 2023

_____

Chris Fowler / Margo Perpick
Counsel for the Doug Jones Family Trust and the Searell Family Trust No 2

[10] At paragraph 4.9

APPENDIX A

Provisions of the NPS-UD that must be complied with by Tier 3 local authorities

Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium, term, and long term.

Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

(a) The level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or

(b) relative demand for housing and business use in that location.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters;

(a) the planned urban built form anticipated by those RMA planning documents that have given effect to this NPS

(b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and that those changes:

(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities and future generations, including by providing increase and varied housing densities and types; and

(ii) are not, of themselves, an adverse effect

(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)

(d) any relevant contribution that will be made to meeting the requirements of this NPS to provide or realise development capacity

(e) the likely current and future effects of climate change

Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

(a) unanticipated by RMA planning documents ; or

(b) out-of-sequence with planned land release.

Policy 10: Tier 1, 2, and 3 local authorities:

(a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and

(b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and

(c) engage with the development sector to identify significant opportunities for urban development.

Implementation:

3.2 Sufficient development capacity for housing

Every tier 1, 2, and 3 local authority must provide at least sufficient development capacity in its region or district to meet expected demand for housing:

(a) in existing and new urban areas; and

(b) for both standalone dwellings and attached dwellings; and

(c) in the short term, medium term, and long term. plan-enabled (*see* clause 3.4(1)); and

In order to be **sufficient** to meet expected demand for housing, the development capacity must be:

(a) plan-enabled (*see* clause 3.4(1)); and

(b) infrastructure-ready (*see* clause 3.4(3)); and

(c) feasible and reasonably expected to be realised (*see* clause 3.26); and

(d) for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin (*see* clause 3.22).

3.7 When there is insufficient development capacity

(1) If a local authority determines that there is insufficient development capacity (as described in clauses 3.2 and 3.3) over the short term, medium term, or long term, it must:

(a) immediately notify the Minister for the Environment; and

(b) if the insufficiency is wholly or partly a result of RMA planning documents, change those documents to increase development capacity for housing or business land (as applicable) as soon as practicable, and update any other relevant plan or strategy (including any FDS, as required by subpart 4); and

(c) consider other options for:

(i) increasing development capacity; and

(ii) otherwise enabling development.

3.8 Unanticipated or out-of-sequence developments

(1) This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.

(2) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:

(a) would contribute to a well-functioning urban environment; and

(b) is well-connected along transport corridors; and

(c) meets the criteria set under subclause (3).

(3) Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.

3.9 Monitoring requirements

(1) Every tier 1, 2, and 3 local authority must monitor, quarterly, the following in relation to each urban environment in their region or district:

(a) the demand for dwellings

(b) the supply of dwellings

(c) prices of, and rents for, dwellings

(d) housing affordability

(e) the proportion of housing development capacity that has been realised:

(i) in previously urbanised areas (such as through infill housing or redevelopment); and

(ii) in previously undeveloped (ie, greenfield) areas

(f) available date on business land

(3) Every tier 1, 2, and 3 local authority must publish the results of its monitoring at least annually.

(4) The monitoring required by this clause must relate to the relevant urban environments, but may apply more widely (such as, for example, where the relevant data is available only on a region or district-wide basis).

3.10 Assessing demand and development capacity

(1) Every local authority must assess the demand for housing and for business land in urban environments, and the development capacity that is sufficient (as described in clauses 3.2 and 3.3) to meet that demand in its region or district in the short term, medium term, and long term.

3.11 Using evidence and analysis

(1) When making plans, or when changing plans in ways that affect the development of urban environments, local authorities must:

(a) clearly identify the resource management issues being managed; and

(b) use evidence, particularly any relevant HBAs, about land and development markets, and the results of the monitoring required by this National Policy Statement, to assess the impact of different regulatory and non-regulatory options for urban development and their contribution to:

(iii) achieving well-functioning urban environments; and

(iv) meeting the requirements to provide at least sufficient development capacity.

(2) Local authorities must include the matters referred to in subclause (1)(a) and (b) in relevant evaluation reports and further evaluation reports prepared under sections 32 and 32AA of the Act.

3.35 Development outcomes for zones

(1) Every tier 1, 2 or 3 territorial authority must ensure that:

(a) the objectives for every zone in an urban environment in its district describe the development outcomes intended for the zone over the life of the plan and beyond; and

(b) the policies and rules in its district plan are individually and cumulatively consistent with the development outcomes described in the objectives for each zone.

3.38 Car parking

(1) If the district plan of a tier 1, 2, or 3 territorial authority contains objectives, policies, rules, or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity, the territorial authority must change its district plan to remove that effect, other than in respect of accessible car parks.

(2) Territorial authorities must make any changes required by subclause (1) without using a process in Schedule 1 of the Act.

(3) Nothing in this National Policy Statement prevents a district plan including objectives, policies, rules, or assessment criteria:

(a) requiring a minimum number of accessible car parks to be provided for any activity; or

(b) relating to parking dimensions or manoeuvring standards to apply if:

(i) a developer chooses to supply car parks; or

(ii) when accessible car parks are required.

4.1 Timeframes for implementation

(1) Every tier 1, 2, and 3 local authority must amend its regional policy statement or district plan to give effect to the provisions of this National Policy Statement as soon as practicable.

(2) In addition, local authorities must comply with specific policies of this National Policy Statement in accordance with the following table:

Tiers 1, 2, and 3 Car parking Policy 11(a) (see clause 3.38) No later than 18 months after the commencement date.

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2021] NZEnvC 164

IN THE MATTER	of the Resource Management Act 1991
AND	of a notice of motion under section 149T(2) to decide proposed Plan Change 7: Water for Otago (referred to the Environment Court by the Minister for the Environment under s 142(2)(b) of the Act)
BETWEEN	OTAGO REGIONAL COUNCIL
	(ENV-2020-CHC-127)
	Applicant

Court:	Environment Judge J E Borthwick Environment Commissioner K A Edmonds Environment Commissioner D J Bunting
Hearing:	at Dunedin on 8–26 March 2021, 17–28 May 2021, 28 June 2021–7 July 2021 at Cromwell on 12–21 April 2021, 10–14 May 2021
Final submissions:	30 July 2021
Decision reserved:	10 September 2021
Appearances:	Listed on pages 144-145
Date of Decision:	22 October 2021
Date of Issue:	22 October 2021

INTERIM DECISION OF THE ENVIRONMENT COURT

Table of Contents

Section:		Page
1.	Introduction	4
2.	Overview of the decision	6
3.	Primary sector	17
4.	Deemed permits and rights of priority	47
5.	Dams	57
6.	Other miscellaneous relief	65
7.	The provisions of the plan change	72
8.	Hydro-electricity generation	95
9.	Territorial Authorities	113
10.	Evaluation and outcome	133

Annexures:

1. The Law
2. Scope Challenges
3. Legislation relevant to Territorial Authorities
4. Water Quality
5. Water Quantity
6. Schedule 10A.4
7. Decisions on Submissions
8. Plan Change 7 Provisions

Abbreviations used in the decision

CA Rule	Controlled activity rule
DA Rule	Discretionary activity rule
EPA	Environmental Protection Authority
FMU	Freshwater Management Unit
Freshwater – NES	Resource Management (National Environmental Standards for Freshwater) Regulations 2020
HEG	Hydro-electricity generation
Kāi Tahu ki Otago	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga
NCA Rule	Non-complying activity rule
'New' or 'future' regional plan	Land and Water Regional Plan (ORPS, LF-FW-M6)

Ngāi Tahu ki Murihiku	Waihōpai Rūnaka, Te Rūnanga Ōraka Aparima and Te Rūnanga o Awarua
Ngā Rūnanga	Kāi Tahu ki Otago, Ngāi Tahu ki Murihiku and Te Rūnanga o Ngāi Tahu
NOF	NPS-FM 2020: National Objectives Framework
NPS-FM 2020	National Policy Statement for Freshwater Management 2020
NPS-REG 2011	National Policy Statement for Renewable Electricity Generation 2011
NPS-UD 2020	National Policy Statement on Urban Development 2020
Operative regional plan or RWP	Regional Plan: Water for Otago
ORC or Regional Council	Otago Regional Council
OWRUG	Otago Water Resources User Group
PC7 or plan change	Proposed Plan Change 7 (Water Permits) to the Regional Plan: Water for Otago
Proposed policy statement or ORPS	Proposed Otago Regional Policy Statement 2021
RDA Rule	Restricted discretionary activity rule
RMA or Act	Resource Management Act 1991
RPS	Operative regional policy statement
Skelton Report	Professor Peter Skelton *Investigation of Freshwater Management and Allocation Functions at Otago Regional Council: report to the Minister for the Environment* (Ministry for the Environment, Wellington, 1 October 2019)
Territorial Authorities or TAs	Dunedin City Council, Queenstown Lakes District Council, Central Otago District Council, Clutha District Council, Waitaki District Council

REASONS

Introduction

[1] Over the next five years a significant proportion of permits authorising the take and use of water in Otago will expire. Included among these are hundreds of deemed permits, many of which originated during Otago's goldrush. They authorise the taking of water in quantities large enough to sluice a goldfield and few, if any, conditions are attached as to the use of water.

[2] This plan change responds to the concerns held by the Minister for the Environment and by the Otago Regional Council that, were the expiring permits to be replaced, or indeed consent applications filed for previously unconsented activities, they will be considered under an operative regional plan that is not fit for purpose.

Summary of key findings

[3] The court has reached the position that upon finalising the drafting of provisions, we will approve the insertion of Chapter 10A into the Regional Plan: Water for Otago.

[4] In response to submissions, Plan Change 7 has been substantially rewritten. Attached to and forming part of this decision is a set of amended provisions.

[5] The court has approved policies seeking either to 'only grant' or to 'avoid' (as the case may be) consents exceeding six years' duration. This means the relief sought by many in the primary sector to allow for the grant of consent for durations exceeding six years is not approved.

[6] A limited exception to the policy on duration has been made for existing hydro-electricity generation activities. No exception has been made for community water supplies, other than existing supplies which may increase

historical take and use volume and rate limits in line with their current permits to provide for population growth.

[7] While relief for orchard and viticulture activities enabling the expansion of land under irrigation is approved, the general relief sought by many to delete the restriction on the expansion of irrigable land is not.

[8] Deemed permits expired 1 October 2021. The court has approved new provisions that apply to those seeking to replace a deemed permit with a resource consent. The conditions of consent are to ensure that flow sharing between holders of deemed permits can continue.

[9] The court has rejected relief to introduce minimum levels or flows that would apply to Otago's water bodies and indeed the relief in general seeking to improve the state of the environment. These are matters to be addressed under the proposed policy statement and in a future regional plan.

[10] Finally, we acknowledge that, as a result of the changes to the plan change made by this decision, most, if not all, of the hundreds of permit holders who have already applied for resource consent in respect of expiring permits, will need to amend their applications if they wish to have the security of the applications being granted as a controlled activity.

Overview of the decision

Main part of the decision

[11] Grouped by sector interests, the decision is set out in four main parts:

(a) primary sector, including:
  (i) deemed permits;
  (ii) dams;
  (iii) other miscellaneous relief; and
  (iv) the provisions of the plan change;
(b) hydro-electricity generation;
(c) Territorial Authorities; and
(d) evaluation and outcome.

[12] Most decisions on the plan change are set out in the primary sector part, including decisions on relief sought by parties not affiliated with this sector. We do this for two reasons. First, in this part the court is *working on* the drafting of the plan change and the provisions approved here have general application. Second, most of the relief sought by non-affiliated parties overlaps with the primary sector's relief.

Annexures

[13] Attached to and forming part of the decision are several annexures. Other than the aim of improving the readability of the decision, which will be received by a wide audience, there is no general rule followed as to which parts are set out in the main decision and which are left for annexures.

[14] The annexures include matters that are:

(a) uncontroversial (e.g. the law and the final wording of Schedule 10A.4);

(b) what appear to be challenges to the court's jurisdiction, but which are not accepted;

(c) of interest only to individual submitters (e.g. scope challenges and legislation relevant to the Territorial Authorities); and

(d) general findings of fact related to water quality and quantity.

[15] The annexures also include:

(a) the provisions of the plan change; and

(b) the court's decisions on submissions.

A process or process + plan change?

[16] In 2019 the Minister for the Environment, the Honourable David Parker, recommended Otago Regional Council:[1]

(a) takes all necessary steps to develop a fit for purpose freshwater management planning regime that gives effect to the relevant national instruments and sets a coherent framework for assessing all water consent applications, including those that are to replace any deemed permits; and

(b) prepare a plan change, that would provide an adequate interim planning and consenting framework to manage freshwater.

[17] The Minister recommended this be a narrow plan change to secure the low cost, fast issuing of new consents on a short-term basis, and that this be done as an interim measure until sustainable allocation rules are in place.

[18] Accepting the Minister's recommendations, the Regional Council agreed to

---

[1] Letter from Hon D Parker (Minister for the Environment) to Hon M Hobbs and Councillors (Chair and Councillors of Otago Regional Council) regarding Section 24A Report: Investigation of Freshwater Management and Allocation Functions at Otago Regional Council under section 24A of the Resource Management Act at Common Bundle: Vol 5, Tab 12C.

prepare a plan change which would be informed by the following key principles:[2]

(a) with a focus on the bigger picture, the plan change should be concise;
(b) water allocation should be based on existing use and not paper allocation;
(c) there would be consideration of potential impacts on existing water abstractors and existing priorities in deemed permits;
(d) the plan change would be efficient (time and cost) for both the Regional Council, applicants and other parties; and
(e) it would provide opportunities for data gathering to inform a future water plan should one be pursued.

[19] With those principles in mind, after the hearing commenced it soon became apparent that the notified plan change was deficient in two key respects:

(a) it did not address rights of priorities that support flow sharing between holders of deemed permits; and
(b) the architecture of the plan change was fundamentally flawed insofar as it contained rules that did not implement any policy.

[20] At the end of the first week of hearing, the court invited the Regional Council to confirm the scope of the plan change: was it a 'process' plan change or a process '+' plan change? If it was process '+', then plus what? Acknowledging that there had been scope creep, the Regional Council's policy planner confirmed a narrower 'process' mandate and consequently recommended a substantial review of its provisions.[3]

[21] This (now) narrower plan change responds to many of the concerns held

---

[2] Letter from Office of the Chairperson (Otago Regional Council), to Hon D Parker (Minister for the Environment) regarding Investigation of Freshwater Management and Allocation Functions at Otago Regional Council under s 24A of the Resource Management Act 1991: Otago Regional Council Response to Recommendations (16 December 2019). CB Vol 5: Tab 12E.
[3] De Pelsemaeker, supplementary evidence dated 14 March 2021.

by submitters, and the changes proposed by the Regional Council are within scope of the plan change. That being said, the court has decided to make limited exceptions to the plan change's process focus.

[22] We make next a few brief comments about the scheme of the Resource Management Act 1991 ('RMA') and planning instruments created under this Act.

The scheme of the Act

[23] The purpose of the Act is to promote the sustainable management of natural and physical resources.[4]

[24] The Act envisages a cascade of planning documents, each intended, to give effect to the Act's purpose and more generally to its principles:[5]

> … These documents form an integral part of the legislative framework of the RMA and give substance to [the Act's] purpose by identifying objectives, policies, methods and rules with increasing particularity both as to substantive content and locality…: per Supreme Court in *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd*

National policy statements

[25] National policy statements are the senior most planning document. Their purpose is to state objectives and policies for matters of national significance that are relevant to achieving the purpose of the Act.[6] Local authorities are to amend their plans if directed by the national policy statement[7] and make all other amendments, as required, to give effect to a national policy statement.[8] This is to

---

[4] RMA, s 5.
[5] *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd* [2014] NZSC 38, [2014] 1 NZLR 593 at [30].
[6] RMA, s 45.
[7] RMA, s 55(2)-(2A).
[8] RMA, s 55(2B).

be done either as soon as practicable, or within or by the time/event specified in the national policy statement.[9]

[26] No party seriously argued against the proposition that Otago's Regional Policy Statement and Regional Plan: Water for Otago, do not give effect to the NPS-FM 2020 or NPS-UD 2020, and only give partial effect to NPS-REG 2011. This omission means the Regional Council cannot claim that through its planning instruments it is necessarily giving effect to the purpose and principles of the Act.

National Policy Statement for Freshwater Management 2020

[27] Gazetted after PC7 was notified, NPS-FM 2020 is a detailed statement about Te Mana o te Wai; objectives and policies pertaining to freshwater management and the framework to implement the same.

[28] The concept of Te Mana o te Wai refers to the:[10]

> … fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

[29] Te Mana o te Wai's framework encompasses six core principles concerning the roles of tangata whenua and other New Zealanders in the management of water. Informing the NPS and its implementation, is the principle that those in governance with authority for making decisions about freshwater, do so in a way that prioritises the health and well-being of freshwater, now and into the future.[11]

---

[9] RMA, s 55(2B)-(2D).
[10] NPS-FM 2020, cl 1.3(1).
[11] NPS-FM 2020, cl 1.3(3) and (4)(d).

[30] While expressed differently in earlier iterations of the NPS-FM, the centrality of Te Mana o te Wai to freshwater management is a constant.

[31] The NPS-FM 2014 (amended 2017) was closely considered by the Environment Court in *Aratiatia Livestock Ltd v Southland Regional Council* on appeal from decisions on the proposed Southland Land and Water Plan. The court's observations in *Aratiatia Livestock Ltd* remain relevant and bear repeating here:

(a) Te Mana o te Wai is not a Māori centric but a water centric approach;[12]

(b) while expressed in te reo Māori, Te Mana o te Wai benefits all New Zealanders;[13]

(c) Te Mana o te Wai is a concept that requires natural and physical resources be managed in a way that recognises that by protecting the health of freshwater, the health and well-being of the wider environment is also protected.[14] This concept entails a fundamental shift in societal perspectives on sustainable management of fresh water.[15]

[32] The NPS-FM 2020's sole objective is directive – it is to 'ensure' natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems;

(b) second, the health needs of people (such as drinking water); and

---

[12] *Aratiatia Livestock Ltd v Southland Regional Council* [2020] NZEnvC 93 at [6].
[13] *Aratiatia Livestock Ltd v Southland Regional Council* [2020] NZEnvC 93 at [6].
[14] NPS-FM 2020, cl 1.3.
[15] *Aratiatia Livestock Ltd v Southland Regional Council* [2019] NZEnvC 208 at [61]–[64].

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

[33] Te Mana o te Wai is relevant to all freshwater management[16] and must inform the interpretation of the NPS-FM 2020.[17] Its objective is implemented through policies, Policy 1 being that "freshwater is managed in a way that gives effect to Te Mana o te Wai". In addition, the NPS-FM has an implementation process, the provisions of which are very prescriptive – the Regional Council "must" undertake certain actions.[18]

Regional Policy Statement (RPS)

[34] A regional policy statement is to give effect to a national policy statement.

[35] No party contends that the partly operative regional policy statement gives effect to the NPS-FM 2020 or NPS-UD 2020 or gives more than partial effect to NPS-FM (2017 amendment) and NPS-REG 2011.

Proposed Otago Regional Policy Statement

[36] When making our decision, we are to have regard to the recently notified proposed policy statement.

[37] The submissions on the proposed policy statement have recently closed and its provisions are yet to be tested through independent decision-making or appeal processes. Nevertheless, we find that its provisions are to be accorded some weight in acknowledgement of the significant shift in regional policy it represents. Indeed, the Director-General and the Territorial Authorities say greater weight can

---

[16] NPS-FM 2020, cl 1.3.
[17] NPS-FM 2020, cl 3.2(4).
[18] NPS-FM 2020, pt 3.

be given to the proposed policy statement than to the operative statement.[19]

[38] Anything we say here about the provisions of the proposed policy statement is not to indicate a view on the appropriateness of the same; that would be beyond the scope of this decision. For present purposes we do not need to reach a finding on whether or how well the proposed policy statement gives effect to the national policy statements. It is enough to record the agreement of all parties making submissions, that a purpose of the proposed policy statement is to give effect to the NPS-FM 2020, NPS-UD 2020, NPS-REG 2011 (among other national policy statements).[20]

[39] The proposed policy statement commences with a series of significant resource management issues, issues of particular note are:

(a) climate change is likely to impact Otago's economy and environment;
(b) freshwater demand exceeds capacity in some places;
(c) declining water quality has adverse effects on the environment, on communities, and the economy; and
(d) economic and domestic activities use natural resources but do not always properly account for the environmental stresses or the future impacts they cause.

---

[19] Legal submissions for the Minister for the Environment Regarding Notified Regional Policy Statement ['MfE supplementary submissions (July)'] at [8]. Legal submissions for the Otago Regional Council in relation to the proposed Otago Regional Policy Statement dated 23 July 2021 ('ORC supplementary submissions (23 July)') at [9]-[14], [17]. Legal submissions of Otago Water Resources User Group in relation to proposed Otago Regional Policy Statement dated 28 July 2021 ('OWRUG supplementary submissions (July)') at [2]. Legal submissions for Trustpower Ltd in relation to the proposed Otago Regional Policy Statement dated 28 July 2021 ('Trustpower supplementary submissions (July)') at [2.3]. Legal submissions of Otago Fish and Game Council and the Central South Island Fish and Game Council on the proposed Otago Regional Policy Statement dated 28 July 2021 ('Fish and Game supplementary submissions (July')) at [1]-[2]. Director-General of Conservation *Tumuaaki Ahurei* re the proposed Otago Regional Policy Statement dated 28 July 2021 ('Director-General supplementary submissions (July)') at [6]-[9]. Legal submissions on behalf of Territorial Authorities – Proposed Regional Policy Statement dated 28 July 2021 at [7]-[8].

[20] See national direction instruments statement at ORPS at p 44ff.

[40] The first response by the proposed policy statement to these and other issues is to adopt integrated management.[21] While all provisions are relevant, Policy IM-P1 – Integrated approach, is noteworthy as it is addressing the interpretation and implementation of the proposed policy statement. It provides:

> **Policies IM–P1 – Integrated approach**
>
> The objectives and policies in this RPS form an integrated package, in which:
>
> (1) all activities are carried out within the environmental constraints of this RPS;
>
> (2) all provisions relevant to an issue or decision must be considered;
>
> (3) if multiple provisions are relevant, they must be considered together and applied according to the terms in which they are expressed; and
>
> (4) notwithstanding the above, all provisions must be interpreted and applied to achieve the integrated management objectives IM–O1 to IM–O4.

[41] The decision priorities for the proposed policy statement follow:

> **IM–P2 – Decision priorities**
>
> Unless expressly stated otherwise, all decision-making under this RPS shall:
>
> (1) firstly, secure the long-term life-supporting capacity and mauri of the natural environment,
>
> (2) secondly, promote the health needs of people, and
>
> (3) thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

[42] The proposed policy statement identifies three domains, one of which is the domain of land and fresh water.

[43] In the domain of land and water, integrated management is returned to in the first objective (LF-WAI-O1 – Te Mana o te Wai) – "… the management of land and water recognises and reflects that [amongst other matters] (4) water and land have a connectedness that supports and perpetuates life". Four policies set out how this objective is to be achieved, one of which is to put beyond contention

---

[21] ORPS at IM-Integrated management.

the centrality of Te Mana o te Wai for all persons exercising functions and powers under the proposed policy statement and also to persons who use, develop or protect resources.[22] This objective is implemented through policies that prioritise the outcomes of fresh water management (LF-WAI-P1 Prioritisation)[23] and through integrated management/ki uta ki tai (LF-WAI-P3).

[44] Dividing Otago into five freshwater management units, the vision for and management of those units are given (LF-VM – Visions and management). The sole objective for fresh water is implemented by policies to phase out existing over-allocation, avoid future over-allocation and allocate fresh water within environmental limits and use it efficiently (LF-FW-P7 Fresh water). The methods include a direction to the Regional Council to publicly notify a Land and Water Regional Plan by 31 December 2023.

Regional Plan

[45] A regional plan, in its turn, is to give effect to the regional policy statement. The operative regional plan's response to the regional policy statement is variable, on occasions giving only partial effect to the policy statement.[24]

[46] By way of a general observation, if the regional policy statement does not give effect to the national policy statements, then it is unlikely that the regional

---

[22] ORPS, LF-WAI-P4 – Giving effect to Te Mana o te Wai.

[23] Under this policy the health and well-being needs of people, te hauora o te tangata; interacting with water through ingestion (such as drinking water and consuming harvested resources) and immersive activities (such as harvesting resources and bathing) – is the second priority of fresh water management.

[24] To illustrate, RPS Objective 3.1 states the values (including intrinsic values) of Otago's ecosystems and natural resources are recognised, and maintained, or enhanced where degraded. Policy 3.1.1. is to safeguard the life-supporting capacity of fresh water and manage fresh water to (a) maintain good quality water and enhance water quality where it is degraded … and Policy 3.1.3 that provides for water allocation and use that (b) avoids over-allocation and phases out existing over-allocation. With that in mind, the RWP has little control over land uses the effect of which may be to degrade water quality. While there are policies promoting efficient use of water, the RWP's flow and catchment-wide limits (where provided for in the plan) have not been implemented through the consent review process.

plan will. Hence the direction that the Regional Council notify a Land and Water Regional Plan (referred to in this decision as the 'new' or 'future' regional plan).

[47] The purpose of this plan change is set out in its objective: facilitate an efficient and effective transition from the operative freshwater planning framework toward a new integrated regional planning framework. This process has commenced with the notification of the proposed policy statement in June 2021.

[48] With that said, we turn to the primary sector case.

Primary sector

Introduction

[49] The primary sector is dealing with a lot right now and for many it will seem like their future is beset with uncertainty.

Economic uncertainty

[50] For decades regional policies supported increasing farm production, fuelled in parts of the region[25] by virtually unregulated access to water.[26] Security around access to water has been all but assumed, including by lending institutions.[27] In more recent times policy signalling by the Regional Council encouraged farmers to convert from inefficient (e.g. wild flooding and border dykes) to more efficient (e.g. spray) irrigation systems in anticipation of securing long-term replacement consents.[28]

[51] As regional policy pivots from laissez faire (particularly, the seeming indifference towards the exercise of deemed permits) to tight control under PC7, this has given rise to uncertainty within the primary sector. Some permit holders worry over the return on investment in irrigation infrastructure made prior to PC7's notification.[29] Others who have yet to undertake planned development, are concerned that the six-year duration may prove unattractive to potential

---

[25] In Central Otago (in particular) hundreds of deemed water permits are being exercised subject to few, if any, conditions, other than allocations of water granted when the rights were first issued as mining permits. See discussion in Perkins, EiC dated 5 February 2021 at [26].

[26] The past president of Federated Farmers Otago reports that since the 1980s there has been a production at all costs message (that is, until recently). See also Craw, EiC dated 4 February 2021 at [9]-[15]. Transcript Cromwell WKS 4/5 (Hunt) at 842.

[27] In the years immediately prior to the notification of PC7, many witnesses gave evidence of significant lending by banks even though existing deemed permits lapse on 1 October 2021.

[28] For example, see transcript Cromwell WK 6 (C Tamblyn) at 1332. S Dicey, EiC dated 5 February 2021 at [87]. See also transcript Dunedin WKS 1-3 (De Pelsemaeker) at 402-403; (S Dicey) at 1331. In addition, we note the RWP policies to ensure that the quantities of water taken are no more than what is required for the use proposed (e.g. Policy 6.4.0A).

[29] See for example, transcript Cromwell WK 6 (Currie) at 1232.

investors[30] or that the terms of repayment to fund the capital cost of development over six years will be unaffordable (either that or lending will not be available).[31]

[52] PC7's freeze on expansion of irrigable areas may further depress investment in irrigation, as farmers cannot look to increased returns from irrigating larger areas of land.[32] Deferred capital investment in infrastructure, such as the Falls Dam on the Manuherekia River, is likely to remain on hold while uncertainties around future minimum flow(s) of water bodies persist.[33] In short, uncertainty around access to water and the reliability of future supply, is eroding business (farmer) confidence.

[53] Meantime, PC7 not only impacts decisions requiring significant capital outlay, e.g. irrigation infrastructure and storage, but also less visible decisions by farmers to do with realising plans for their family and the farm. This includes investment in staff training and recruitment, riparian planting and fencing, maintenance of existing inefficient infrastructure[34] and succession planning. Without the opportunity to grow profits, downstream spending in the wider community may be delayed or, at the very least, is uncertain.[35]

---

[30] See for example, transcript Cromwell WK 6 (Collier) pp 1222-1229.

[31] A number of witnesses gave evidence that bank lending terms are now heavily weighted on consent duration. See for example, transcript Cromwell WK 6 (A Gillespie) at 1079; (Groundwater) at 1271-1272; (Paterson) at 1476-1479. See also Craw, EiC at [31]-[32].

[32] Transcript Cromwell WK 6 (Groundwater) at 1273, 1279 and 1283. Giving evidence on behalf of three properties farmed by the Groundwater family, Ms B J Groundwater said that following the conversion of flood and border dyke irrigation to pivot plus storage dam, they doubled the area under production. See also transcript Cromwell WK 6 (Kelly) at 1417; Dunedin WKS 7/8 (MacGregor) at 55.

[33] Transcript Cromwell WKS 4/5 (Sole) at 1023-1024; Cromwell WK 6 (V Hore) at 1310.

[34] Transcript Cromwell WKS 4/5 (Reilly) at 740-741.

[35] Patterson, EiC dated 3 February 2021. Transcript Cromwell WK 6 (Collier) at 1224; (V Hore) at 1308; (T Davis) at 1383; (Kelly) at 1417. Scott, EiC dated 5 February 2021 at [58], [69].

Stability of regional policy

[54] Regional plans feed into farm business plans; it is on the farm that many policies are given practical effect.[36] Investment by the primary sector requires a stable policy platform[37] and trust and confidence in the regulator to administer the planning instruments.[38] Many witnesses talked about their generalised anxiety that, after six years, some permits will not be reconsented or if they are, then conditions of consent will reduce reliability of supply by imposing new restrictions around access to water.[39] This anxiety is compounded by the widespread belief that by the time the short-duration permits expire, the Regional Council will not have notified a new regional plan.[40]

[55] Meanwhile several witnesses expressed frustration over processing of applications to reconsent existing water permits under the operative regional plan, including difficulties around engagement with other stakeholders/affected persons.[41] In saying that, it is our experience that this is not an uncommon occurrence when a district or regional council has signalled that it is reviewing its planning documents.

Reliability of supply

[56] Hundreds of applications to reconsent deemed permits due to expire on 1 October 2021 have now been filed with the Regional Council.

[57] In readiness for this, and with the encouragement of the Regional Council, water user groups were formed whose membership comprises all permit holders

---

[36] Transcript Cromwell WKS 4/5 (McDiarmid) at 855.
[37] Transcript Cromwell WKS 4/5 (Hunt) at 843.
[38] Transcript Cromwell WKS 4/5 (McDiarmid) at 854-855.
[39] Restrictions include flow and catchment wide limits. See also transcript Cromwell WK 6 (M Hore) at 1159-1160.
[40] Transcript Cromwell WKS 4/5 (Reilly) at 768-769; transcript Cromwell WK 6 (Manson) at 1131, and 1145; (Parcell) at 1264.
[41] See for example, transcript Cromwell WK 6 (J Herlihy) at 1168-1169; (G Herlihy) at 1434; OWRUG, closing submissions at [28]-[31].

within entire catchments/sub-catchments and, in many cases, these groups have worked for several years to agree on flow sharing between members of the group.[42] While the need to leave flowing water in water bodies is accepted,[43] the process of reaching consensus has been difficult not least because one consequence of flow sharing may be a change to existing farm systems to offset any reduction in the reliability of supply.

[58] If the existing reliability of supply is reduced – as we understand that it may be under many of the proposals to reconsent existing permits – this will likely necessitate significant investment in on-farm and/or community water storage, investment in efficient irrigation infrastructure and the replacement/upgrading of conveyancing infrastructure.[44]

[59] It is not necessarily the case, however, that infrastructure offsetting a reduction in reliability is to be built in advance of a water permit issuing; there may be delays of several years before any proposed flow and take limits apply. When reconsenting permits in the Lindis and Kyeburn catchments, the decision-makers deferred the application of new flow limits imposed on replacement permits for five years, to allow farmers time to build capacity to offset a decrease in reliability of supply[45] and to build major conveyancing infrastructure.[46] Determined prior to the notification of PC7, the above consents were granted with 35-year terms.

[60] Many witnesses say it is unfair that PC7 deprives them of the same opportunities water users in the Lindis and Kyeburn have had. But it is not that straightforward. We were told by one farmer that his "biggest threat" was a future

---

[42] There are also catchments/water bodies that are not working in any collective sense. See transcript Cromwell WK 6 (J Herlihy) at 1170.

[43] The evidence was that in some water bodies, most or all available surface flow was being diverted for abstraction. For example, Lauder Creek see transcript Cromwell WK 6 at 1094 and 1101-1102. Also Thomsons Creek see transcript Cromwell WKS 4/5 at 1018.

[44] Transcript Cromwell WK 6 (Heckler) at 1102; WK 6 (Manson) at 1113.

[45] Transcript Cromwell WK 6 (Mackenzie) at 1189-1199 discussing Kyeburn and McKeague, EiC at [53] discussing Lindis. In the case of Kyeburn, the conditions of consent provided for more restrictive flow and take limits after five years.

[46] Transcript Dunedin WKS 7/8 (McKeague) at 276-278.

change in minimum flow of the Taieri River, of which the Kyeburn is a tributary. Were that to occur, the Kyeburn flow sharing arrangement would be "thrown in the bin … and we'll have to start again and that's where we are really vulnerable".[47]

[61] If, as we were also told, some applicants in the Manuherekia catchment have not proposed to transition to new limits by allowing time for infrastructure upgrade, then the prospect of immediate compliance with proposed conditions of consent, was said to be "daunting".[48] As with the Kyeburn and Lindis catchments, the position of individual farmers and of irrigation schemes will differ, but to achieve compliance with the proposed conditions of consent, it seems likely that some permit holders (at least) will need to build storage, convert to efficient irrigation infrastructure and upgrade conveyancing infrastructure.[49] On the other hand, for those applicants who have proposed that infrastructure upgrades occur over the next five to ten years,[50] then it is unlikely that the full benefit to the environment will be realised any time soon.

Personal costs

[62] The momentum of water user groups who, having worked hard to achieve a common goal of reconsenting long-term permits, is slowing, in part as a reaction to the new planning instruments.[51] While this does not mean necessarily that the groups will fall apart,[52] the enormity of the change to come is such that at a time

---

[47] Transcript Cromwell WK 6 (Mackenzie) at 1204, 1207-1209. Reliability of supply may be impacted by the implementation of a flow regime under a future regional plan or as proposed by applicants seeking to reconsent existing permits. Transcript Dunedin WKS 1-3 (S Dicey) at 1267-1268; transcript Cromwell WKS 4/5 (S Dicey) at 13 and 30. See also transcript Cromwell WK 6 (Mulholland) at 1391 regarding concerns held in relation to the Pigburn were development to proceed with no certainty as to the allocation after six years.

[48] McKeague, summary of evidence dated 18 May 2021; transcript Dunedin WKS 7/8 (McKeague) at 276-279. It may be that in common with other applicants she intends on "nutting something out" as she put it with the Council and interested parties.

[49] Note: the amount of change depends, amongst other factors, on the type of irrigation infrastructure installed. See transcript Cromwell WKS 4/5 (Perkins) at 214-215.

[50] Transcript Cromwell WKS 4/5 (S Dicey) at 60.

[51] Planning instruments include NPS-FM 2020, Freshwater – NES, proposed NPS-Biodiversity together with PC7. See for example, transcript Cromwell WK 6 (M Hore) at 1156-1157.

[52] See for example transcript Cromwell WK 6 (Smith) at 1374.

when people need to come together in the community, some are withdrawing and disengaging. Feelings of stress and anxiety were widely reported by witnesses, as was "worrying beyond belief", "severe fatigue",[53] "frustration and powerlessness",[54] and "depression".[55] People are being worn down;[56] their confidence undermined and they are feeling disconnected from their own experiences (a result of being 'told what to do').[57]

Risk to primary sector investments

[63] We accept that farmers are fully aware that change is coming.[58] While it will take the whole of the community working together to improve the outcome for fresh water, farmers point out that in the meantime somebody must pay to realise those outcomes.[59]

[64] Acknowledging the Regional Council's powers to review those consents under s 128 RMA, we were told by one consultant that the risk to investment – including a reduction in the reliability of supply – was one that farmers are willing to take.[60] This assertion, which is in no way binding on the consultant's clients, warrants further scrutiny.

[65] The reduction in reliability of supply is one consequence of PC7's methodology to calculate usage of surface water takes for irrigation purposes (notified version); indeed, the potential decrease in reliability of supply was a major issue at this hearing. Unless Schedule 10A.4 to the plan change is amended, farmers will either adapt their use of water to accommodate any change in

---

[53] Transcript Cromwell WK 6 (Young) at 1402.
[54] Transcript Cromwell WK 6 (McAuley) at 1464.
[55] Transcript Dunedin WKS 7/8 (Lord) at 392ff. Depression and suicide being reported.
[56] Transcript Dunedin WKS 7/8 (Lord) at 394. Mr M Lord is a farmer and Chairman of the Otago Rural Support Trust also past President of Federated Farmers.
[57] Transcript Cromwell WK 6 (R Weir) at 1298. Also Dunedin WKS 7/8 (Doolan-Noble) at 383 and (Lord) at 394.
[58] Transcript Cromwell WKS 4/5 (Hunt) at 849.
[59] Transcript Cromwell WK 6 (Manson) at 1144.
[60] Transcript Dunedin WKS 7/8 at 266.

reliability, or introduce infrastructure (storage) to address the reliability problem.[61] We received evidence that if the Schedule was not amended, the majority of pumped and electrical infrastructure and, secondly, irrigation infrastructure, would also need upgrading and/or reworking.[62] Not adapting (retooling) infrastructure risks economic hardship that is not just foreseeable but highly probable.[63] Numerous submissions were received on that point, including from OWRUG.[64] The same or similar risks are said to arise if the Regional Council attempts to *claw back* water by reviewing permits under a future regional plan.[65]

Wider primary sector case

[66] Many permit holders have incurred substantial costs in developing proposals to reconsent existing permits, including investing in irrigation and storage infrastructure. They seek an opportunity for their applications to reconsent existing permits to be considered on their merits. Many advanced the position that there is no need for an interim framework and the court should reject PC7 because there are better alternatives such as:

- the current planning framework under the regional plan;
- assessing consent applications by having regard to the NPS-FM 2020 and the recently notified proposed policy statement; and

---

[61] McIndoe, EiC at [101]. Transcript Cromwell WKS 4/5 (S Dicey) at 58. See also 1st JWS Planners dated 24-25 March 2021 at [8]-[9] where risks are discussed.

[62] Graham, EiC dated 5 February 2021.

[63] See for example, OWRUG submission on PC7 at 53ff and McIndoe, EiC dated 5 February 2021 at [95]. Ford, EiC dated 5 February 2021 at [51]-[52] (Hort NZ). Hume, EiC dated 5 February 2021 (Federated Farmers).

[64] See for example, Blackstone Irrigation Company, summary of submission dated 13 May 2021 – up to 50% (est) reduction in some years would cause severe hardship. Hamilton Runs Ltd (Weir) submission on PC7 dated 4 May 2020, with adverse economic and related social effects. Puketoi Farming Co (Crutchley) submission addressing effects of reduced water security impacting decisions made in respect of finishing lambs. See also Cromwell WKS 4/5 (Phillips) at 414.

[65] How a *claw back* of consented water is to be achieved is a matter for the future regional plan. In over-allocated catchments this is likely to involve new environmental flows and levels and take limits (NPS-FM 2020 NOF processes). The attainment of new flows and limits is multi-faceted and depends in part on the type of irrigation installed and secondly, land use. See transcript Cromwell WKS 4/5 (Perkins) at 214; Dunedin WKS 7/8 (McKeague) at 266-267.

- the Regional Council reviewing resource consents (granted long-term) when a new regional plan becomes operative.

[67] Representing many permit holders in Otago,[66] and lacking confidence that a future regional plan will be informed by better information than is currently available, OWRUG submits the most appropriate course is for the farming community to get on with their consent applications guided by the NPS-FM 2020 and the proposed policy statement directly.[67,68] They say, applicants should continue to make progress rather than waiting on the Regional Council's 'regulatory machinery' to catch up: "A good horse should not be made to move at the same pace as a lame one".[69]

[68] While OWRUG maintained its primary relief that the plan change should be rejected, their consultant planner, Ms S Dicey, said PC7 was inevitable; an interim planning framework was necessary pending a significant reset of planning policy.[70] Neither she nor Ms C Perkins (Landpro) support the rejection of the change,[71] Ms Dicey saying:[72]

> I'm now of the opinion that an interim framework is necessary, I think consenting under the current plan, particularly within the RD rule … is problematic. … As I said already I agree that the RPW is out of date and actually consenting in that space is actually not good for anybody at the moment, stakeholders or applicants.

---

[66] Its members extend from the Upper Clutha through to the Alexandra basin and include the Cardrona, Arrow, Bannockburn, Pisa area, Teviot, Manuherekia and Taieri catchments. OWRUG's members include all of the irrigation companies in the Manuherekia Catchment.

[67] OWRUG closing submissions at [31]-[32] asserts that the scale is wrong, with FMUs and rohe scale policy settings and flow limits unlikely to be helpful in deciding applications. It says that each river and tributary is different, the hydrology is different, cultural and ecological values are different, takes are different and land use patterns and history are different.

[68] See the evidence of S Dicey, S McKeague and M Hickey in particular, making claims about what is proposed to be delivered in lodged resource consent applications that are not before us.

[69] OWRUG, closing submissions at [62].

[70] Transcript Dunedin WKS 1-3 (S Dicey) at 1323, 1348.

[71] Transcript Dunedin WKS 1-3 (S Dicey) at 1269. Transcript, Cromwell WKS 4/5 (Perkins) at 125. While this is Ms Perkins' opinion, it is not clear whether Landpro amended its submission seeking PC7 be rejected.

[72] Transcript Dunedin WKS 1-3 (S Dicey) at 1268-1269.

So yes I think an interim framework is inevitable really.

Should PC7 be rejected?

[69] Recalling the significant resource management issues that PC7 would address, three are critical when considering relief to reject the entire plan change They are:[73]

(a) the fact of the pending expiry of hundreds of water permits;[74]
(b) the adequacy of the current regional planning framework and environmental outcomes the framework secures; and
(c) the current regional planning framework is yet to give effect to the NPS-FM 2020 and to that we add, NPS-REG 2011 and NPS-UD 2020.

Pending expiry of hundreds of water permits

[70] We are unaware of any other Regional Council which is tasked with replacing hundreds of water-permits expiring on 1 October 2021, with yet more to come before 1 January 2026.[75]

The adequacy of the current regional planning framework and environmental outcomes the framework secures

[71] The deficiencies of the operative regional plan are well summarised in the evidence of Ms S McIntyre (Ngā Rūnanga). Ms McIntyre considers the regional

---

[73] De Pelsemaeker, EiC at [44].
[74] As noted elsewhere, estimates of the number of permits expiring varied. Mr T De Pelsemaeker, EiC at [93]-[94] gives a total of 552 surface water permits expiring before 1 January 2026. There are 332 deemed permits expiring on 1 October 2021.
[75] Gilroy, EiC dated 13 March 2021 at [23]-[24] estimated a total of 1495 permits would expire by end of 2025, of these 821 expiring this year.

plan is inconsistent with the higher order direction for managing freshwater, or hampers the ability to give effect to that direction, in the following ways:[76]

(a) it does not recognise and address over-allocation, and the approach to setting flow and allocation regimes is inadequate to protect instream values;[77]

(b) there is an apparent priority for consumptive use over instream values, with only narrow provisions, in policies and rules, to consider the effects of abstraction on natural and cultural values;[78]

(c) in consent decision-making, there is a strong focus on effects at the abstraction point and inadequate consideration of effects, including cumulative effects, on the broader freshwater system.[79] Hydrological

---

[76] McIntyre, amended EiC at [45].

[77] First, while there are policies addressing 'fully allocated' or 'under allocated' catchments relative to the primary allocations, none concern themselves with NPS-FM (2017 and 2020) 'over-allocation' (see discussion in De Pelsemaeker, EiC at [81]-[88]). Second, the RWP policies to determine minimum flows and primary allocation, are unlikely to be in accordance with the NPS-FM 2020's NOF processes. We understand that applications to take and use water may still be granted from catchments that exceed their primary allocation, provided that the applicant is a person who holds an existing resource consent to take that water (Rule 12.0.1.1). Third, the policies to reduce the quantity of water taken, including policies requiring efficient use of water, rely on voluntary actions of the existing consent holders or the removal of unused 'paper' allocations. The potential for over-allocation is heightened by the failure of RWP to prioritise objectives, including those in key Chapters 5 and 6 (See transcript Dunedin WKS 1-3 (S Dicey) at 1324).

[78] The problem is compounded by the rules that apply to the taking and use of water. In the first instance, the taking and use of water is a restricted discretionary activity, with the matters of discretion set out in rule 12.1.4.8. Ms McIntyre, (Ngā Rūnanga) amended EiC at [55]-[56] notes that while RWP, Schedule 1D does identify spiritual and cultural beliefs, values and uses of significance to Ngā Rūnanga and Policy 5.4.2 prioritises avoiding effects on the same, Rule 12.1.4.8 does not clearly link back to Schedule 1D. Consequently, the consent authority has taken the narrow interpretation of the rule, excluding from consideration Ngā Rūnanga's beliefs, values and uses. See also Fish and Game's planning witness Mr B Farrell discussion on the topic at EiC at [14(b)]. MfE planner Mr T Ensor, EiC at [32] gave evidence that the values set out in RWP, Schedules 1A-1D do not respond either to the partly operative RPS nor NPS-FM 2020. Bartlett (Ngā Rūnanga), EiC at [46] states that not all Ngāi Tahu ki Murihiku Papatipu Rūnanga are referenced in the regional plan as mana whenua within the Otago region. Bartlett, EiC at [49] records that ki uta ki tai and Te Mana o te Wai is not referenced in the regional plan. While there are policies on integrated management these bear little relationship to Ngāi Tahu ki Murihiku's understanding of ki uta ki tai framework of land and water management across an entire catchment.

[79] A cursory review of the RDA Rule 12.1.4.8's matters for discretion reveals this to be the case. For example, Rule 12.1.4.8 does not include, as a matter for discretion, consideration of cumulative effects.

and ecological information is often inadequate to assess such broader effects;

(d) policies incentivise increased use and increased dependence on water consumption;[80] and

(e) policy on consent duration gives inadequate direction and provides an expectation of long consent terms.[81]

[72] Expanding on the above, whether the operative regional plan's flow and catchment-wide allocation limits (where these exist) will ever be implemented is a moot point. This seems highly unlikely given the National Objectives Framework ('NOF') processes mandated by the NPS-FM 2020. That said, many applicants applying to reconsent existing permits are not offering up the regional plan's flow and allocation limits, proposing instead new minimum flows,[82] albeit ones that have not been determined following the NOF process. While deficiencies in the operative regional plan's provisions may have led applicants to take this course, as the author of the Skelton Report said, this leads to unsatisfactory ad hoc 'planning by consent'.[83]

[73] The regional plan provides little policy direction regarding integrated land and freshwater management. The plan has policies concerning under or fully allocated catchments, however the approach to managing 'over-allocation' is uncertain.[84] The existing planning framework does not manage resources in an

---

[80] Referred to in the Skelton Report as the 'use it or lose it' policies. See discussion in De Pelsemaeker, EiC at [86]; Farrell, EiC at [14(f)].

[81] The explanation to Policy 6.4.19 reads: "The duration of each resource consent to take and use water should have regard to the particular circumstances of the activity and its likely environmental effects, but there needs to be good reason for Council to reduce the duration of consents from that required for the purpose of use". Note: De Pelsemaeker, EiC at [75(e)] and [88] evidence that the current planning framework has created an expectation of granting consents with long-term durations.

[82] S Dicey, EiC at [42] says this is the approach proposed for the Manuherekia catchment. As an aside, while we were told new minimum flows are proposed in many applications for resource consent, we do not know whether catchment-wide allocation limits or other types of limits described in the NPS-FM 2020 are also proposed.

[83] Skelton Report at 4.

[84] De Pelsemaeker, EiC at [69]-[74].

integrated way – *ki uta ki tai.*[85] While the measures in PC8 and the Freshwater – NES go some way to redressing the general absence of land use policy, policy gaps remain.[86]

[74] We accept the submission of Fish and Game that determining consents on a case-by-case basis risks pre-empting the Freshwater Management Unit-wide identification of the values, outcomes/objectives, limits and targets required to restore Te Mana o te Wai over time.[87] Praying in aid of NPS-FM 2020 or the proposed policy statement directly, as OWRUG and others would do, is still ad hoc planning by consent, as it will be the applicant(s) for resource consent, not communities and tangata whenua, who will determine *how* 'Te Mana o te Wai' applies to water bodies and ecosystems in the region[88] – but this would <u>not</u> be the *concept* that is mandated by the NPS. Ranking the operative regional plan's objectives to better accord with the NPS priorities,[89] as proposed by OWRUG's planner Ms Dicey, will not redress the plan's deficiencies when considering a consent application. That is because the plan's objectives (Objective 6.3.1 in particular) do not provide for NPS-FM 2020, Appendix 1A: Compulsory values.

---

[85] ORC, closing submissions at [21(b)].

[86] Transcript Dunedin WKS 1-3 (De Pelsemaeker) at 344. Also, Ms Marr (Beef & Lamb) policy gaps could include measures such as no control over fertiliser use and application; or discharges from farm activities; or intensification of farm activities; or grazing controls. No requirement to adopt best practice for farm management or best practice for fertiliser application (transcript Cromwell WKS 4/5 (Marr) at 489-512).

[87] Transcript Dunedin WKS 1-3 (Baker-Galloway) at 833.

[88] OWRUG, submissions 'in relation to the proposed Otago Regional Policy Statement' dated 28 July 2021.

[89] Ms Dicey's evidence was that the RWP did not prioritise its objectives. She proposed Objective 6.3.1 – which is about the retention of flows sufficient to maintain rivers' life-supporting capacity for aquatic ecosystems, and their natural character – be prioritised over Objective 6.3.2 which concerns the provision of water for Otago's primary and secondary industries. See S Dicey, EiC at [37]-[39]. Also transcript WKS 1-3 Dunedin (S Dicey) at 1324.

The current regional planning framework is yet to give effect to the NPS-FM 2020 and to that we add, NPS-REG 2011 and NPS-UD 2020

[75] That the operative regional plan does not give full effect to any of the national policy statements (or predecessors), is not a matter in dispute.

Other matters raised in support of relief to reject the plan change

[76] First, several submitters and witnesses for the primary sector complained about a recent lack of willingness by Ngā Rūnanga (and others including the Director-General of Conservation and Fish and Game) to engage in resource consent processes. There are challenges to making good decisions where one or more parties do not engage or do not have adequate resources to engage. However, this criticism is to overlook that Ngā Rūnanga's planning paradigm[90] – Te Mana o te Wai – is not embodied by the regional plan.[91]

[77] Second, even if applicants referred directly to the higher order documents, there is potential for argument around the weight to be given to the NPS-FM 2020 and the proposed policy statement.[92] Many of the policies in the NPS-FM have more relevance to plan making than resource consent applications, which will necessarily go to the weight that is ultimately placed on those policies when assessing a consent application.[93] The proposed policy statement has been recently notified and notwithstanding a clear change in policy, there will likely be differing views on how much weight is to be given to its provisions.[94]

[78] Third, the consent authority, when considering applications under s 104 of the Act, is only to *have regard* to any relevant provisions of the NPS-FM 2020 and

---

[90] Also, at this hearing the planning paradigm of the Director-General of Conservation and Fish and Game.
[91] Transcript Dunedin WKS 9/10 (Winchester) at 519-520.
[92] ORC, closing submissions 7 July 2021 at [21]; transcript Dunedin WKS 9/10 at 693-694.
[93] Related to this is the highly prescriptive implementation (NOF) process set out in pt 3 that is to be followed in plan making.
[94] ORC, closing submissions at [21(e)].

the recently notified proposed policy statement; an applicant for resource consent need not 'give effect' to them.

Decision – should PC7 be rejected?

[79] We agree with the Skelton Report that overall, the operative regional plan neither gives effect to the NPS-FM 2020 nor provides a comprehensive framework to support the deemed permit replacement process.[95] Given the above, we decline to reject PC7 and secondly, decline also the related submission seeking to exclude specific catchments from its provisions.[96]

[80] PC7 creates a new chapter, Chapter 10A, in the regional plan. The objective of PC7 is to facilitate an efficient and effective transition from the present operative freshwater planning framework to a new integrated regional planning framework, and one wherein the Regional Council does give effect to NPS-FM 2020.

[81] This means:

(a) applications for water permits to replace deemed permits or to replace water permits that expire before 31 December 2025 will be assessed in accordance with the objective, policies and rules set out in Chapter 10A of the Regional Plan: Water; and

(b) all other applications will be assessed in accordance with the provisions in Chapters 5, 6, 12 and 20, except that the duration of any water permit will be determined in accordance with the policies in Chapter 10A.

---

[95] Skelton Report at 18.

[96] For example, submitters sought to exclude the Taieri catchment: G Crutchley (71006); Sowburn Water Co Ltd (71014); Concept Farms Limited (71065) and Patearoa Station Ltd (71066)); to exclude Strath Taieri catchment (Lone Star Ltd (71013)); Michelle and Stephen Holland (71077); and B J Graham trust no.1 (71126); and finally, to exclude Kakanui and Waianakarua catchments (MFS Ventures Ltd (71053)).

[82] The continuing adverse effects on the environment of activities for which replacement consents will be sought and granted (if controlled activities) are not minor. We come back to this later in the decision.

Issue: Is PC7, as proposed to be amended by ORC and others in support, permissible?

and

Issue: Is cl 3.17(3)(a) of the NPS-FM 2020 a mandatory requirement to be given effect to by this plan change?

[83] Submissions made by OWRUG are addressed in Annexure 1: The Law. We have not accepted the submission that the plan change is *impermissible* because – OWRUG asserts – its purpose is to delay the implementation of the NPS-FM 2020. Nor have we accepted the submission that the plan change must identify flows and levels at which the taking of water is no longer allowed.

Should there be an alternative pathway for longer term consents?

[84] OWRUG and Landpro propose an alternative pathway for long term consents to, among other matters, *protect* threatened galaxiids.[97] We were told that if protection requires significant change to irrigation infrastructure, irrigators will only have confidence to make the change required if the consent authority grants long-term consents.[98]

[85] In supplementary evidence, Ms Dicey and Ms Perkins proposed a new objective, policy and discretionary[99] activity rule, together with associated

---

[97] Transcript Dunedin WKS 1-3 (S Dicey) at 1309.

[98] Transcript Cromwell WKS 4/5 (Perkins) at 182.

[99] Ms Dicey appeared to contemplate either a discretionary or non-complying rule. We have not given serious thought to the non-complying pathway as we would have through it a fraught process to have detailed policy support of this nature for non-complying activities.

definitions intended to allow the consideration of an application for consent duration of up to 20 years.[100] Later Ms Perkins amended her view to recommend a 15-year duration (with no ability for consents longer than 15 years to be granted).[101] Ms Dicey also considered 15 years might be appropriate.[102]

[86] By way of introduction to the proposed pathway, Ms Dicey said:[103]

> I still remain concerned that an interim framework delays environmental improvements even where these may be critical, particularly where this involves a risk to threatened indigenous species. This latter point has the potential to put PC7 in direct conflict with the NPS-FM.
>
> This means in my opinion that there may be some circumstances where a substantive consent process may be justified or even desirable. I have proposed an objective, policy and discretionary activity rule which tries to anticipate and allow for what might fall within the circumstance.
>
> I also think that the s 128 power of review is a useful tool in the tool box, and can be utilised for any longer term permits granted under PC7.

[87] They are not suggesting that their draft provisions are intended to give full effect to Te Mana o te Wai. Extensive cross-examination and questioning of Ms Dicey and Ms Perkins revealed major deficiencies with the drafting, with concessions being made by both witnesses.

[88] Mr T De Pelsemaeker, who had the benefit of considering the questioning and cross-examination, did not support the suggested amendments. His key points

---

[100] S Dicey, supplementary evidence dated 19 March 2021 (updated 24 March 2021).
[101] Transcript Cromwell WKS 4/5 (Perkins) at 154.
[102] Transcript Cromwell WKS 4/5 (S Dicey) at 34. Footnoting by De Pelsemaeker in his EiR said: Ms Dicey in her supplementary evidence dated 19 March 2021 at [28] and during questioning by the parties has stated that the suggested 20-year maximum term for consents may be required to be shortened, depending on the timeframes and objectives set out in the proposed new Regional Policy Statement when notified in June 2021.
[103] Transcript Dunedin WKS 1-3 (S Dicey) at 1264-1265.

of evidence, which we accept, follow:[104]

(a) relying on s 128 review processes to bring activities in line with a future regional plan will not achieve the outcome sought by permit holders, which is to have more certainty around long-term availability of water and greater investment in security;[105]

(b) while the "limbs" of Policy 10A.2.3 (as proposed by OWRUG and Landpro planners) are intended to provide guidance for decision-makers when considering applications for a consent term up to 2041, the criteria in the proposed policy, and secondly, the absence of entry conditions in the proposed discretionary rule, will unlikely be effective in limiting the number of consents granted, putting at risk environmental outcomes set in the new regional planning framework;

(c) the objective, policy and rule framework focuses on the management of freshwater ecosystems (in particular the management of threatened species), but does not explicitly provide a framework that seeks to manage other values (e.g. cultural values, amenity and recreational values) supported by freshwater;

(d) in the absence of a comprehensive planning framework within PC7 to manage environmental effects, and without any certainty around the articulation of Te Mana o te Wai and the wider environmental outcomes in a future regional plan, when assessing resource consents it will be difficult for the consent authority to:

    (i) establish where improvements to freshwater ecosystems are required; or

    (ii) establish the point to which, and the timeframe within which, improvements need to happen.

---

[104] De Pelsemaeker, EiR 25 June 2021 at [18].

[105] In that regard we note the evidence given by Beef and Lamb's economist, Mr Burtt, that farmers prefer the uncertainty that comes from the market over the uncertainty from *political processes* (we interpolate as Regional Council's regulatory plans). See transcript Cromwell WKS 4/5 at 468.

(e) the suggested deletion of the restriction on increases in irrigated areas and the requirement to align the rates of take and volumes allocated in new consents with historical use, removes two instruments that seek to:

(i) reduce allocation and avoid the re-allocation of unused water;

(ii) reduce the risk of further environmental degradation; and

(iii) reduce the risk of unforeseen economic hardship for water users by discouraging further investment in irrigation expansion or land use intensification until a new regional planning framework has been introduced that is fully compliant with the NPS-FM (and other national directions).

[89] While significant issues around drafting were revealed under cross-examination, we said we would consider, in principle, a pathway for longer term consents.

Decision – should there be an alternative pathway for longer term consents?

[90] Expanding on Mr De Pelsemaeker's key points, we find:

(a) rules are to implement policies, and policies implement the plan's objectives;[106]

(b) in order to 'protect' threatened species, all the components of ecosystem health must be managed, as well as (if appropriate) specialised habitat or conditions needed for only part of the life cycle of the threatened species.[107] This is not proposed by OWRUG or Landpro;[108]

---

[106] RMA, s 67(1).

[107] NPS-FM 2020, Appendix 1A, cl 3.

[108] If there are threatened species likely to be affected by the application, then the policy is to propose measures to enhance or protect the habitat of the species (Policy 10A.3.(viii)). In the absence of an objective which states the outcome for threatened species, the policy leaves it for the applicant to decide whether and the degree to which enhancement or protection is to be provided. Likewise, the policy for degraded or degrading waterways (Policy 10A.2.3(ix)).

(c) rather, OWRUG and Landpro's basic assumption is that the activity's proposed discretionary status enables full consideration of the effects of an activity on environment;

(d) while a discretionary activity rule does not preclude the consideration of any effect on the environment (including effects on tangata whenua and the community), unless those effects are addressed by objectives and policies, the outcomes for the environment are at the discretion of the applicant. This is what we mean by ad hoc planning by consent. To illustrate, if consent applicants have proposed a minimum flow of 1,100 l/s in the mainstem of a river, it is doubtful that a consent authority, having heard from all parties, could grant the application subject to a higher minimum flow – say 2,000 l/s – without the applicant's agreement. That is because (a) that is not what is proposed and (b) the regional plan does not set this minimum flow nor does it contain a process that could lead to this result;

(e) Ngā Rūnanga's interests are not *better facilitated* by a policy that does not implement Te Mana o te Wai;[109] and, in the absence of comprehensive policies requiring the consent authority to have regard to their interests and values, their position will not be secured even were Ngā Rūnanga to be appointed decision-makers;[110]

(f) a long-term pathway is likely to further incentivise investment in irrigation;

(g) should long-term consents be reviewed under a future regional plan the risk of economic hardship cannot be ruled out any more than can hardship to others, including Ngā Rūnanga, if the implementation of NPS-FM 2020 is effectively deferred into the next planning cycle.[111]

---

[109] Transcript Dunedin WKS 1-3 (S Dicey) at 1326.

[110] OWRUG, supplementary submissions 'in relation to the proposed Otago Regional Policy Statement' at [18] and elsewhere in submissions. Ngā Rūnanga, transcript Dunedin WKS 9/10 at 519-520.

[111] That is, after 10 years.

[91] More generally, we find what is proposed to be in opposition to the six principles informing the NPS-FM and its implementation.[112] We speculate, OWRUG and others do not appear to recognise that Te Mana o te Wai is a *concept*. The plan change objective is to facilitate an efficient and effective transition from the operative freshwater planning framework to a new integrated regional planning framework and in that way the plan change *is* giving effect to the *concept* and therefore to the NPS-FM. In short, we agree with Ms McIntyre (Ngā Rūnanga) that giving effect to Te Mana o te Wai includes allowing time for its implementation through the appropriate planning instruments.[113] This approach accords with the scheme of the Act, which envisages a cascade of planning documents, each intended to give effect to s 5, and to pt 2 more generally: per Supreme Court in *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd.*[114]

[92] Given the above and taking into consideration also our findings in relation to the effectiveness of the s 128 review process, it is our decision that there should not be an alternative pathway for longer term consents.

Should there be a permitted activity rule?

[93] Many parties/submitters sought to introduce a simple permitted activity rule to allow existing water users to continue to take and use water until a new regional plan is notified and becomes operative.[115] Cogent reasons were given by the Regional Council for not recommending this approach.[116]

[94] Issues around a permitted activity status for primary sector activities were

---

[112] NPS-FM 2020, cl 1.3: fundamental concept.
[113] Transcript Dunedin WKS 1-3 (McIntyre) at 1235.
[114] *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd* [2014] NZSC 38, [2014] 1 NZLR 593 at [30].
[115] Submitters 70045, 71015, 71043, 71046, 71053, 71065, 71066, 71068, 71069, 71080, 71112, 71116, 71120, 71127, 71161, 71178, 71185 and 71230. (Footnote 99 in De Pelsemaeker, EiC on page 73).
[116] De Pelsemaeker, EiC at [243]-[244].

explored early on in the hearing. The approach risks placing existing water users in a materially disadvantaged position relative to permit holders, should a rule in a new regional plan:

(a) require resource consent to authorise what was previously a permitted activity; or

(b) prohibit the taking and use of water from water bodies that are over-allocated in relation to water quantity or water quality.[117]

[95] The Regional Council led evidence that many water bodies in this region are likely to be over-allocated.[118] That the risk exists is evident from the proposed policy statement's phasing out of existing over-allocation and avoiding future over-allocation (ORPS, LF-FW-P7).

[96] On 17 March 2021, OWRUG abandoned relief seeking a permitted activity.[119]

Decision – permitted activity rule

[97] Long-term, the economic interests of hundreds of farmers could be imperilled if a permitted activity rule was approved; with downstream effects on local and regional economies (at least). Farmers would be left without the surety of s 124 RMA and any relative priorities that currently exist as between permit holders would be expunged.[120] The rule would undermine the objective of the plan change and leave the Regional Council without any semblance of function in relation to freshwater management.[121]

---

[117] Interchanges between Mr Page and the court, transcript Dunedin WKS 1-3 at 938-945.
[118] See Annexure 4: Water Quality and Annexure 5: Water Quantity.
[119] OWRUG, memorandum 'as to relief' dated 17 March 2021.
[120] By priorities we are referring to the first come, first served approach adopted in the Act.
[121] We note also, the rule was opposed by the Minister for the Environment and the Director-General of Conservation.

[98] In addition, we also accept the Regional Council's reasons for not recommending the approach. They are:[122]

(a) the cost of permitted activity monitoring is typically borne by the community, not the user of the resource;

(b) it is unclear whether all water takes exercised under a permitted activity rule will achieve the purpose of the RMA,[123] as the effects of these takes would be more difficult to control under a permitted activity regime;

(c) it is uncertain whether all existing conditions on resource consents to take and use water can be provided for through permitted activity conditions; and

(d) holders of a current water permit would lose the priority provided under section 124C of the RMA over persons who are not existing holders of resource consents, when applying for a new consent under the framework of [a new regional plan].

[99] The Regional Council's revised approach is preferred as this is a simple and low risk, controlled activity pathway to roll over existing consents. Discussed elsewhere in the decision, we record that the matters over which the Regional Council reserves control are (now) constrained. As are the matters over which the Regional Council reserves discretion under proposed restricted discretionary activity rules.

Is the s 128 process an efficient and effective alternative?

[100] Many submitters sought to retain the opportunity to be granted resource consent up to the maximum 35-years duration (RMA, s 123(d)).

---

[122] De Pelsemaeker, EiC at [243].

[123] For water bodies in relation to which there is over-allocation, we find this would not achieve the purpose of the Act.

[101] OWRUG advanced the proposition that a review clause on longer term consents is advantageous, if not preferable to an alternative of a short-term consent. Pursuant to s 128(2A) of the Act, the Regional Council could review the entirety of a catchment, enabling comprehensive consideration of cumulative effects.[124]

What are consent condition reviews?

[102] Section 128 of the RMA enables ORC to initiate a review of consent conditions in specified circumstances, and as is relevant here:

- for a purpose specified in a condition of consent;[125] or
- where certain rules are made operative (e.g. rules relating to maximum or minimum levels or flows or rates of use of water, or minimum standards of water quality).

[103] The Regional Council has a discretion and is not required to initiate a review. The consent holder can object to and subsequently appeal to the Environment Court against the Regional Council's decision.

What can be achieved through a consent condition review?

[104] The fundamental difference between use of a s 128 review compared with an application to reconsent an expiring permit under ss 104-104D, is that provided the consent application is not for a controlled activity, it can be declined. Whereas an existing permit can only be cancelled on review if there are both material inaccuracies in the consent application and adverse effects on the environment resulting from the exercise of the consent.[126] Subject to this qualification, any

---

[124] OWRUG, opening submissions 23 March 2021, at [87].
[125] RMA, s 128(1)(a). Note: if more than one resource consent is affected, the Regional Council may review the conditions of those resource consents together for the purpose of managing the effects of the activities carried out under those resource consents (RMA, s 128(2A)).
[126] *Genesis Power Ltd v Manawatu-Wanganui Regional Council* (2006) 12 ELRNZ 241 (HC) at [81], [83]. See ss 128(1)(c) and 132(4), or ss 17 and 314(1)(e) of the RMA.

change to a consent condition cannot have the effect of preventing the activity for which the resource consent was granted in the first place.

Security of access and reliability of supply

[105] On review the consent authority must have regard to whether the activity allowed by the consent will continue to be viable after the change (s 131(1)(a)) and may have regard to the manner in which the consent has been used (s 131(1)(c)).

[106] The change to be brought about by a review of existing permits is likely to be greatest in drier and/or over-allocated catchments and secondly, where the use of water is in association with irrigation. The effect of change will depend (in part) on the type of irrigation infrastructure installed and land use taking place.[127] Because land use and the irrigation efficiency are correlated, there will be a range of potential responses a permit holder may adopt in order that the activity remains *viable*. For example, a permit holder efficiently irrigating land, may need to reduce the area under irrigation or change their land use to achieve new flow/level or rates of use.[128] Inefficient irrigation systems may need to be upgraded to ensure that water is reliably available,[129] or infrastructure built (e.g. storage) to offset the loss in reliability.[130]

[107] Thus relative efficiency and effectiveness of relying on s 128 review of a long-term consent versus short-term consents is a function of the degree of change from the status quo[131] and secondly, we find, the permit holder's objectives for their business, together with their personal values and circumstances.[132] In this

---

[127] See discussion at transcript Cromwell WKS 7/8 (Craw) at 347-350.

[128] Transcript Cromwell WKS 4/5 (Dicey) at 13, 32, 58; (Perkins) at 213-215. Dunedin WKS 7/8 (McKeague) at 266-267.

[129] For example, build on-farm and/or community water storage, improve efficient irrigation infrastructure and replacement/upgrading of inefficient conveyancing infrastructure.

[130] McIndoe, EiC at [101]. See, for example, transcript Dunedin WKS 1-3 (S Dicey) at 1267; Cromwell WKS 4/5 (S Dicey) at 13, 32, 58.

[131] Transcript Dunedin WKS 1-3 (S Dicey) at 1351-1352.

[132] Transcript Cromwell WKS 4/5 (Burtt) at 471.

regard, the potential impact of a review of consent on capital investment made over the intervening years, was generally not well considered by economists giving evidence on this topic.[133]

[108] The review option is also resource intense[134] and the risk of not implementing a new water management regime through the review process is borne by the environment.[135] Mr V Hodgson (Horticulture New Zealand) considered reliance on the s 128 review process to implement a future regional plan to be "very risky" because the grant of long-term consents creates the unrealistic expectation of water security, thereby encouraging investment. Given that potential for significant change in the region's water management strategy, in his opinion the more efficient and effective process is the one proposed by the Regional Council in PC7, i.e. short-term consents, which will be renewed under the proposed policy statement and a new regional plan.[136]

[109] Finally, permit holders seeking to better provide for long-term water security may find insecurities persist and that they are in no better a position, even with a long-term consent. Mr H Craw, Agribusiness Specialist giving evidence on behalf of OWRUG, put it this way:[137]

> … water and the reliability of that water underpins the value of the farm and the value of the farm is … the bank's security mechanism... [Farmers] need to keep investing in those schemes to make sure that the value in the farms is retained.

[110] For completeness, we record that the review option is not supported by the

---

[133] Patterson (TA, economist) responding to the court's questions at transcript Dunedin WKS 7/8 at 781. Ford (Hort NZ economist) views water as a "commodity", and acknowledged that there may be significant economic hardship if in six years' time there is insufficient water to reliably operate irrigation infrastructure. See transcript Cromwell WKS 4/5 at 609.

[134] Transcript Cromwell WKS 4/5 (Perkins) at 157.

[135] Transcript Dunedin WKS 1-3 (S Dicey) at 1319.

[136] Transcript Cromwell WKS 4/5 (Hodgson) at 653-654.

[137] Transcript Cromwell WKS 7/8 (Craw) at 350.

Minister for the Environment;[138] Fish and Game;[139] Ngā Rūnanga[140] or ORC.[141]

Decision – is the s 128 process an efficient and effective alternative?

[111] The consent review route is proposed by permit holders to afford them more certainty around long-term access to water and secondly, investment security; however, this would be a false sense of security.

[112] Enabling of long-term consents will likely encourage permit holders to invest in activities that may ultimately be found to be unsustainable. It is easy to imagine that a review would be resisted on grounds that the activity authorised by the consent would no longer be viable. It troubles us that the economic and social impact on permit holders, should the conditions of their consents be changed on review, was not adequately explored by its proponents.

[113] We find relying on s 128 RMA to implement a future regional plan is not an appropriate response to the problems and issues confronting water users and the environment in Otago. Section 128 is limited in its scope[142] and may not include the full range of methods that a future regional plan has to manage fresh water.[143] A short-term consent is more certain, efficient and effective in terms of the ability to set and achieve the outcomes for the new regional plan.

Decision – should there be a phasing of consent expiry dates?

[114] Ms K Scott (OWRUG) raised the possibility of staggering consent expiry dates on a catchment, sub-catchment or FMU basis.[144] This is to address her concerns about the practicality of reconsenting water permits, should they all

---

[138] MfE, opening submissions at [58]-[59].
[139] Transcript Dunedin WKS 1-3 (Baker-Galloway) at 834-835.
[140] Transcript Dunedin WKS 1-3 (Winchester) at 464-467.
[141] ORC, opening submissions at [93]-[94]; closing submissions at [192]-[196].
[142] RMA, s 128(1)(b).
[143] Such as the introduction of allocation blocks or controls on taking from tributary waterbodies.
[144] Scott, summary of evidence dated 19 May 2021.

expire on the same date, in circumstances where neither the Regional Council nor farm advisors[145] may have the capacity to respond to the volume of consenting work and the associated complexity that may come with the new planning framework.[146]

[115] Ms Scott advised that she had not considered the details of the concept, or indeed whether there is scope for such an approach.[147]

[116] In closing, counsel for Regional Council advised that conceptually (at least) the approach had merit, but that there is no evidence to support its implementation and the proposed policy statement provides no clear guidance on this matter.[148]

[117] In the absence of evidence to support the regime or consideration of its potential consequences, we find against the approach and recommend instead consideration be given to this in a future regional plan.

Decision – should presumptive flow standards be included as sought by Fish and Game?

[118] Fish and Game seek presumptive flow standards (or limits) be introduced to the plan change to 'signpost' what is likely to constitute a 'more than minor adverse effect on the ecological health of a water body'[149] when applying the non-complying gateway test (s 104D(1)(a)) or secondly, when considering whether an application for consent is to be publicly notified in accordance with s 95A(8)(b).[150]

[119] The Regional Council's position is that the presumptive flow standards (or

---

[145] By farm advisors we mean persons whose expertise may be called upon to lodge and support an application for resource consent.
[146] Transcript Cromwell WKS 7/8 (Scott) at 365 – 367.
[147] Transcript Cromwell WKS 7/8 (Scott) at 371.
[148] ORC, closing submissions 7 July 2021, at [167].
[149] ORC, closing submissions 7 July 2021, at [175].
[150] Farrell, supplementary evidence 23 March 2021, at [13].

limits) are ambiguous and uncertain for plan users[151] and consider it inappropriate to include them for the following reasons:[152]

(a) the figures in the table rely on the seven day Mean Annual Low Flow ('MALF') being capable of being calculated in all of the circumstances where the table might be applied (other than for intermittent streams).[153] Dr J Hayes, a freshwater fisheries scientist, accepted that the practicalities of this approach would be a 'considerable challenge',[154] and that it is simply not possible to estimate MALF in all locations in Otago;[155]

(b) the table does not identify whether it is in relation to a cumulative allocation rate or block;

(c) the table does not identify whether total allocation is from a tributary, or all water bodies in a catchment, nor does it identify the flow recorder site which would be required to be incorporated into a regional plan;[156]

(d) while the table has been proposed as a proxy for 'no more than minor effects', it is only dealing with a subset of the potential adverse effects that might occur in relation to the take of water, and significant care would need to be taken when allocating in accordance with the thresholds not to preclude natural and development values attributed to a water body by Māori and the wider community;[157]

(e) there is a risk that the way in which the policy only focuses on the ecological assessment, may result in other values (i.e. cultural, amenity and recreational) not being appropriately considered;[158] and

---

[151] ORC, closing submissions 7 July 2021, at [176].
[152] ORC, closing submissions 7 July 2021, at [176]-[177].
[153] Transcript Dunedin WKS 1-3 (Hayes) at 860.
[154] Transcript Dunedin WKS 1-3 (Hayes) at 860.
[155] Transcript Dunedin WKS 1-3 (Hayes) at 863.
[156] Transcript Dunedin WKS 1-3 (Hayes) at 862.
[157] Transcript Dunedin WKS 1-3 (Hayes) at 868.
[158] Transcript Dunedin WKS 7/8 (Farrell) at 450.

(f) the thresholds recommended should not be seen as the thresholds that represent the acceptable or appropriate level of allocation for the abstraction of water into the future in Otago.[159]

[120] Even if there was scope to consider the relief, which we have found that there is not,[160] we agree with the Regional Council that the relief is too ambiguous and uncertain to be included in PC7.

Decision – should a new environmental flow regime and second, an allocation limit based on Net Zero Carbon Emission Policy be included in PC7?

[121] The relief sought by Wise Response is that before any consents are granted, an environmental flow regime based on the best available hydrological or ecological information or modelling be established for each river. This then would be reviewed once the future regional plan becomes operative.[161] Also, that allocations should not be based simply on past use but on demonstrating that the land use system is genuinely sustainable, including under the "sinking lid" Net Zero Carbon emission policy by 2050.

[122] Without taking away from the seriousness of issues raised by Wise Response, the new flow and allocation regime would not give effect to Te Mana o te Wai, NPS-FM 2020 and, if it is changed in a future regional plan, this would be a costly, inefficient process for applicants and the Regional Council. Again, the Act contemplates that successive planning documents are to give effect to the national policy statements. The issues raised by Wise Response are better considered in the context of the proposed policy statement and future regional plan when the outcomes to be achieved by a flow regime can be properly grounded in the objectives of this plan. For this reason also, we have not approved relief

---

[159] Transcript Dunedin WKS 1-3 (Hayes) at 868.
[160] Annexure 2: Scope Challenges.
[161] Wise Response, closing submissions 2 July 2021, at [8].

sought in relation to the protection of natural character and the life supporting capacity of water bodies.[162]

[162] Billee Marsh (71167).

Deemed permits and rights of priorities

Introduction[163]

[123] Noted earlier, approximately 312[164] deemed permits will expire on 1 October 2021.[165] Most of these are exercised in seven catchments[166] and are subject to conditions based on historical mining requirements and secondly, certain rights of priority relative to other permit holders.[167]

Should the plan change make provision for new flow sharing arrangements?

[124] Deemed water permits are held subject to deemed conditions, one of which is the so-called 'rights of priority'.[168] Broadly speaking, a permit holder with a superior right of priority may require an inferior upstream permit holder to cease or reduce taking water. The right may be exercised where the flow in the

---

[163] We do not essay the history of deemed permits which is well known to the parties.

[164] The estimate of the number of existing deemed permits varied between witnesses. For our purposes, the actual number is immaterial to the decision.

[165] For the purpose of this decision, deemed permits are former mining privileges and include water permits and discharge permits (s 413(1)(c) and (d)). RMA, s 413(3) provides that deemed permits resulting from a mining privilege under subs (1)(c) or (d) shall be deemed to include a condition to the effect that it finally expires on the 30th anniversary of the date of commencement of this Act. See also Dr Somerville QC, memorandum of amicus curiae dated 19 May 2021; ORC, legal submissions 'in relation to the expiry of deemed permits and rights of priority' dated 15 June 2021; OWRUG, legal submissions 'in response to the memorandum of amicus curiae' dated 14 June 2021; Trustpower, legal submissions 'in response to memorandum of amicus curiae on deemed permits and rights of priority' dated 14 June 2021; MfE, legal submissions 'regarding priorities' dated 15 June 2021; Director-General, legal submissions 'in reply to memorandum of amicus curiae' dated 15 June 2021.

[166] See, Peter Skelton *Investigation of Freshwater Management and Allocation Functions at Otago Regional Council – Report to the Minister for the Environment* (Ministry for the Environment, 1 October 2019) ('Skelton Report'). CB Tab 12D at 12. The catchments are Taieri, Manuherekia, Cardrona, Lindis, Lowburn, Arrow and Luggate.

[167] Gilroy, EiC dated 13 March 2021.

[168] See RMA, s 413(2).

water body is insufficient to supply fully all the races lawfully connected to the same.[169]

[125] The exercise of the rights of priority is a form of flow-sharing between the holders of deemed permits.[170] If the flow-sharing enabled by those rights is discontinued, then permit holders, who have acted in reliance on those rights, may be adversely affected.[171] Specifically, the reliability of water for a downstream permit holder may be altered by upstream permit holders continuing to take water during declining flows.[172]

Submissions on the plan change

[126] The objective of the plan change is to facilitate the transition from the operative freshwater planning framework to a new integrated regional planning framework by managing the replacement of deemed permits.[173] Deemed permits are within the scope of the plan change, with submissions on the topic of the rights of priority received from OWRUG, the Director-General of Conservation and Marian Weaver.[174]

Exercise of the right

[127] Lacking understanding as to how deemed permits were actually being

---

[169] RMA, s 413(3) and Water and Soil Conservation Amendment Act 1971, ss 11 and 13. On any water body there may be one or more deemed permits authorising the taking of water, with each successive permit holder taking subject to the rights of a superior deemed permit. These rights are date ordered, thus a permit with a superior right relative to another deemed permit, may be either upstream or downstream. The potential for a change in flow regime only arises in situations where there is a superior downstream permit holder.

[170] 6th JWS: Planners Expert Conferencing on Deemed Permits and Associated Rights of Priority dated 3 and 17 May 2021 at [26].

[171] Transcript Cromwell WKS 4/5 (S Dicey) at 39ff.

[172] Transcript Cromwell WKS 4/5 (S Dicey) at 58.

[173] 12th JWS dated 12 July 2021, Objective 10A.1.1.

[174] De Pelsemaeker, supplementary evidence on behalf of ORC dated 24 March 2021 ('supplementary evidence (March 2021))'. Mr De Pelsemaeker also notes other submissions and further submissions on deemed permits (generally) and on the co-ordination of the taking of water by water management groups.

exercised, the Regional Council assumed that the metered data record would capture periods when the rights were being exercised and therefore the taking and use would be caught by Schedule 10A.4 to the plan change.[175] While this assumption is correct for the years in which the rights were exercised, the notified version of the plan change does not respond to the coercive nature of the right which – in some water bodies – is exercised at will by permit holders while in others, the rights have provided the impetus for permit holders to form water user groups and collectively manage access to water.

[128] OWRUG's submission on the plan change makes the following salient points:[176]

(a) deemed permits have determined the flow regime observed in many water bodies;
(b) few deemed permits are subject to minimum or residual flows;
(c) when deemed permits expire, the legal obligation to pass water downstream to other permit holders with a higher priority will cease; and
(d) the existing flow regime may be significantly altered if there is no replacement flow regime upon reconsenting.

[129] Many people appearing before us either hold or have held rights of priority and gave evidence about their exercise. Some have exercised those rights on a regular basis;[177] some have exercised them on an infrequent basis;[178] some have

---

[175] De Pelsemaeker, EiC dated 7 December 2020 at [498]; De Pelsemaeker, reply evidence dated 19 February 2021 at [75(b)]. Transcript Dunedin WKS 1-3 (De Pelsemaeker) at 265-268 and 325.
[176] OWRUG submission on PC7 at [127]-[135].
[177] Transcript Cromwell WKS 4/5 (Webb) at 664-665 talking about the Parkburn; transcript Cromwell WK 6 (Heckler) at 1101-1102 talking about Lauder Creek.
[178] Transcript Cromwell WK 6 (S Weir) at 1301-1302 has exercised rights in relation to the Pigburn three-four times over the past decade.

never exercised those rights;[179] some have never needed to exercise those rights because there is enough water to meet their current needs;[180] and some have rights that have been subsumed under formal arrangements between members of a water user group or informally as a result of good communication and neighbourliness.[181] Yet others have had those rights replaced by resource consents issued under the RMA.[182]

[130] The exercise of rights of priority – particularly by water user groups across a catchment/sub-catchment – may change the hydrological environment and, if that occurs, affect the habitat of non-diadromous galaxiids. Giving evidence on the related topics of hydrology and ecological flow settings on behalf of OWRUG, it was Mr M Hickey's opinion that habitat suitability for galaxiids may also be a consequence of land use and use of water, including improved efficiency of irrigation infrastructure together with climate induced variation in flows.[183] We think it generally agreed that non-migratory galaxiids are also impacted by the presence of salmonids in the water body which predate upon the same.[184]

[131] That said, if the exercise of rights of priority had the potential to change the habitat of non-diadromous galaxiids or influence reliability of supply (and we find that it did), these are important considerations in this case.

---

[179] Transcript Cromwell WK 6 (Paterson) at 1482 talking about Ned's Creek. Transcript Cromwell WK 6 (Lane) at 1505 talking about (we think) Manuherekia catchment. Transcript Dunedin WKS 7/8 (A Armstrong and M MacGregor) are the only take on the Nenthorn River and therefore have never needed to exercise the priority.

[180] Transcript Cromwell WK 6 (C Davis) at 1386-1387.

[181] Transcript Cromwell WK 6 (Manson) at 1127 – 1130. Although not personally holding deemed permits gave detailed evidence of the flow-sharing arrangements in the Manuherekia catchment. Transcript Cromwell WK 6 (R Hore) at 1304-1320 talking about the Manuherekia catchment. Transcript Cromwell WK 6 (Smith) at 1372 talking about the Manuherekia catchment. Transcript Cromwell WK 6 (R Tamblyn) at 1333-1339 talking about Coal Creek. Transcript Cromwell WK 6 (McAuley) at 1461 talking about the Lowburn. Transcript Cromwell WKS 4/5 (Paulin) at 1000-1001 talking about the Lowburn.

[182] Transcript Cromwell WK 6 (MacKenzie) at 1186-1187 and 1197 talking about the reconsenting of deemed permits in the Kyeburn.

[183] Transcript WKS 1-3 (Dunedin) at 1018.

[184] Allibone, EiC dated 7 December 2020 at [22].

Relief

[132] Seeking the rejection of the plan change, OWRUG is effectively advocating for the opportunity to reconsent deemed permits subject to minimum/residual flows proposed in its members' applications for resource consent.[185] If, on the other hand, PC7 is to be approved, then OWRUG submits it is necessary to make provision for rights of priority,[186] rather than risk *chaotic* accessing of water by permit holders.[187]

[133] For different reasons, the Director-General of Conservation would ensure PC7 does not result in changes to existing flow patterns in a way that could worsen the outcomes for threatened non-diadromous galaxias.[188] Perhaps more realistically, while acknowledging that there can be no certainty of outcome for galaxias, the enabling of existing flow patterns under PC7 was supported by the Minister for the Environment as being the "best insurance" against inadvertently further degrading galaxiid habitat.[189] We have noted also Forest and Bird's submissions on this point.[190]

[134] In closing, the Regional Council accepted that PC7 must contain provisions that reflect the effect of the existing priority arrangements, subject to those arrangements not having been superseded by a replacement consent.[191] While conceptually a simple sounding task, the drafting of provisions challenged the parties and the court.

[135] The task is challenging because deemed permits and their associated

---

[185] OWRUG, opening submissions at [66]-[67]. See also, S Dicey, EiC at [42] and [144].
[186] OWRUG, closing submissions at [55].
[187] OWRUG, opening submissions at [74].
[188] Director-General, closing submissions at [3] and [7]. See also, Brass, supplementary evidence dated 18 March 2021 at [13]-[19].
[189] MfE, closing submissions at [21]. See also Ensor, EiC at [46], [77] and [84].
[190] Forest and Bird, legal submissions dated 2 July 2021 at [33]-[36].
[191] ORC, closing submissions at [60]-[61].

deemed conditions[192] are *creatures of statute* that expired on 1 October 2021.[193] We will not traverse the efforts of parties to find a solution but record our gratitude to counsel and to the planners who participated in conferencing to explore the legal and planning approaches.[194] We record also our special thanks to Dr R Somerville QC for facilitating a conference of counsel at short notice and for furnishing the court with opinions on issues of law in the capacity of amicus curiae.

Decision – should the plan change make provision for new flow sharing arrangements?

[136] We are clear that there must be provision for the continuation of flow-sharing and in this regard, there are two options:

(a) amend PC7 and include suitable provisions; or
(b) reject PC7, and determine applications for consent under the operative regional plan.

[137] Seeking rejection of the plan change and the determination of consent applications under the regional plans, submitters would substitute flow sharing under rights of priority for proposed new minimum/residual and cessation flows to be imposed as conditions of consent. If done across a catchment/sub-catchment the new flow regime created will drive desired physical and ecological responses in the water bodies.

[138] We find the Regional Council has well-founded concerns that the regional plan's limits may not manage environmental effects and secondly, that these limits are likely to change under the NPS-FM 2020 NOF process. The Environment

---

[192] The rights of priority are deemed conditions under RMA, s 413(2).

[193] See Dr R Somerville QC, memorandum of amicus curiae dated 19 May 2021 at [36] he submits "In the case of section 413(1), the legislature has used a deeming provision to create a statutory fiction, as it deems a mining privilege is deemed to be something (a water permit granted under the RMA) that it is not." He submits at [38], therefore, deemed permits are *a creature of statute.*

[194] While we do not discuss the same, we have had regard to the 6th JWS dated 3 and 17 May 2021; 8th JWS dated 18 June 2021; and 10th JWS dated 2 and 5 July 2021.

Court's reflection on the regional plan in *Lindis Catchment Group Inc v Otago Regional Council* is particularly damning. The regional plan:[195]

> …can barely be said to make any effort to manage water volumes in many Otago catchments (including the Lindis River) because in most cases the primary allocation of water for irrigation is simply set as the sum of all existing water takes granted in the catchment.

[139] PC7 will be amended to include a new policy, the purpose of which is to enable flow sharing between former deemed permit holders to continue after 1 October 2021.

The flow sharing provisions

[140] Having extensively canvassed with counsel and planners on the topic, we have decided to approve an amendment to the plan change to allow for a downstream permit holder with a higher right of priority, to have the ability to give notice to an upstream permit holder requiring them to cease taking water when there is insufficient flow at their point of take.

[141] The measure requires all permit holders within a given water body agreeing to the imposition of the condition (where it applies). The 'encouragement' given to applicants to agree to this course is the controlled activity status for applications to replace existing permits.

[142] Whether notice is given when flows are declining will likely be a function of (as it is now) the cohesiveness of existing social structures within catchments or water user groups formed to collectively administer the rights for the benefit of all users.

---

[195] *Lindis Catchment Group Inc v Otago Regional Council* [2019] NZEnvC 166 at [3].

[143] The restricted discretionary activity status for applications to replace deemed permits has the same approach.

[144] It goes without saying that the policy only applies to holders of deemed permits whose permits included rights of priority and only those deemed permits that have not been replaced by a resource consent. All of the key terms used in the policies and associated rules are defined.

Applications and enforcement

[145] We have considered Ms A King's (Regional Council, Team Leader Consents) evidence concerning deemed permits. To take advantage of the controlled activity rule, most, if not all, applications will need to be re-filed. We anticipate this process will not be without its challenges because:[196]

(a) the Regional Council has not enforced priorities and does not hold a complete register of those rights. It will be time-consuming for the Regional Council to identify from its records all rights held in any given catchment;
(b) the Regional Council is aware that not all surrendered permits or transfers of deemed permits are captured on their records; and
(c) the location of take-points may also differ from what is recorded on the deemed permit.

[146] The Regional Council accepts, as it must, that it has a duty to keep its records correctly and to ensure that water allocations are properly recorded; per *Sutton v Canterbury Regional Council.*[197] In saying that, it is possible, if not probable, some permit holders have not sought approval nor informed the Regional Council before making changes.

---

[196] King, supplementary evidence dated 24 June 2021.
[197] *Sutton v Canterbury Regional Council* [2015] NZHC 313 at [59], also see RMA, s 35.

[147] Finally, we record that in the past the Regional Council has not been called upon to enforce the exercise of the rights of priority and counsel for OWRUG postulates this will continue to be the case. On the matter of enforcement, the court sought advice on this from the Regional Council's compliance monitoring officer, Mr M Cummings.[198] Cross-examination teased out practical responses to the concerns that he raised, and we took these into account when proposing new wording of the provisions.

[148] That said, we are satisfied that the condition we propose to be imposed on a resource consent to replace a deemed permit would satisfy the requirements of s 108AA insofar as:

(a) the applicant for consent proposes and agrees to confer the benefit on the downstream consent holder;
(b) the condition is directly connected to an adverse effect on the environment, namely maintaining reliability of supply of a downstream user and secondly, insofar as it is possible, supporting the habitat of the threatened galaxias; and
(c) the parties, making minor drafting suggestions which we accept, confirmed the final wording of the provisions.[199]

Concluding remarks

[149] Finally, we accept Mr M Brass' evidence that flow sharing does not guarantee an outcome for galaxiids; it is simply working on one element of risk to local galaxiid populations.[200] At the same time, the continuation of flow sharing in some form is addressing the risk of economic hardship where the reconsenting

---

[198] Cummings, EiC at 24 June 2021.
[199] Minute 'deemed permits and rights of priority' dated 13 July 2021 and joint memorandum 'in relation to deemed permits and rights of priority' dated 30 July 2021.
[200] Transcript Dunedin WKS 1-3 (Brass) at 1159-1161.

of hundreds of permits is in advance of a regional plan containing flow regimes governing all users and developed in accordance with the NPS-FM 2020.

Dams

Should dams be excluded from PC7?

[150] OWRUG seeks to exclude deemed permits that authorise damming activities from PC7.[201]

[151] In their joint submission on dams, counsel for the Regional Council and OWRUG identified a list of factual, planning and legal issues to be determined.[202] We now evaluate whether dams should be included in the rule regime for deemed permits in terms of these issues.

Which dams are captured by PC7 and what is the bundle of permits (both deemed and RMA permits) associated with these dams?

[152] There are currently 16 deemed permits[203] remaining which authorise the damming of water[204] and at least one deemed permit for the discharge of water (although Mr De Pelsemaeker said that there was uncertainty about the exact number of deemed permits which authorised discharges of water from the dams).[205] By way of example, there are deemed permits for nine dams in the Manuherekia catchment, two in the Taieri catchment and one in each of the Teviot River, Fraser/Earnscleugh and Roaring Meg catchments. In addition, there is one deemed permit for the discharge of water for the Teviot River (which we understand to be from the Fraser Dam).

---

[201] Curran, EiC dated 5 February 2021.

[202] Submissions for ORC and OWRUG dated 21 May 2021.

[203] Mr Curran said that, having consulted with Mr Leslie of ORC, he had identified 16 deemed permits for impounding water behind dam structures and one deemed permit for the discharge of water over or through a dam (the Old Onslow Dam).

[204] For the most part, the wording of the deemed permits for dams attached as Appendix A to Mr Curran's supplementary evidence of 24 May 2021 states that the deemed permits are to dam water bodies for the purpose of irrigation, stock water, hydro-electric power generation and domestic supply – or various combinations of these uses.

[205] De Pelsemaeker, EiC in reply dated 25 June 2021 at [31].

[153] Giving planning evidence on behalf of OWRUG, Mr M Curran provided details of a range of other deemed permits and RMA permits for the taking and discharge of water, which he said appeared to be related to the 16 deemed dam permits. All of these "other" permits expire on 1 October 2021 except for nine permits granted under the RMA and held by Pioneer Energy for the Fraser and Teviot Rivers which expire in 2041.[206]

What is the potential impact classification of those dams under the NZSOLD Dam Safety Guidelines and what is the relevance of the PIC of a dam?

[154] Civil engineer, Mr B Sheehan (OWRUG), provided assessments of the potential impact classification for each of the 16 deemed permit dams. He advised that 'potential impact classification' was a term used in the NZSOLD Dam Safety Guidelines to describe the impact on the downstream receiving environment in the event that there was a dam failure.[207] He cautioned that the application of the potential impact classification for dams should not be confused with the likelihood that the dams themselves might fail.

[155] Mr Sheehan assessed one of the dams as having a high potential impact classification (Fraser Dam) and three having a low classification. He said that the remaining dams were not classified as these were all small dams which did not register as a large dam under the NZSOLD Dam Safety Guidelines or the Building Act criteria.

Is there evidence that establishes an imminent risk of dam failure in the absence of capital investment and if it is established that there is an identified risk of imminent dam failure, in the absence of capital investment, is a long-term permit required to secure capital to address that risk?

[156] Mr Sheehan was not aware of any imminent risk of a dam failing arising from a lack of capital investment, but the dams would still require significant

---

[206] Curran, supplementary evidence dated 24 May 2021 at [8] to [12].
[207] Sheehan, supplementary evidence dated 24 May 2021 at [9].

investment over the likely term of PC7 to ensure that the NZSOLD Dam Safety Guidelines are complied with. These guidelines are directed at lifecycle management to ensure that the risk of dam failure is appropriately managed.[208] There are ongoing requirements for dam owners to undertake maintenance to ensure the safety of their damming structures, both under the Building Act and as a condition of the permitted activity rule in the operative regional plan, irrespective of any terms and conditions of a resource consent.[209]

Does a six-year consent duration present a barrier to managing dams in accordance with the NZSOLD Dam Safety Guidelines through discouraging investment or constraining access to funds and what other difficulties might arise for the management of dams if six-year permits are granted?

[157] In Mr Curran's opinion, applying PC7's policies on duration to dams will render repairs, maintenance and upgrades of existing dams "unbankable" from a funding perspective and would seriously impact on the responsibilities of dam owners to meet their operational, health and safety obligations. He supported relief to exclude from PC7 deemed permits which authorised the damming or impoundment of water and associated discharge of water passed over or through dam structures.

[158] Mr Curran was not able to identify evidence before this court that he had relied on to support his statement that six-year consents would seriously impact on the ability of dam owners to obtain finance to invest in dam maintenance and upgrades. Under cross-examination, he said that in coming to this view he had relied on the Falls Dam reconsenting application (which included dam safety and hydrological reports), and in respect of which he was a contributing author and secondly, on the evidence of Mr Sheehan. In doing so, he acknowledged that he had not provided the court with a copy of this application nor any other factual

---

[208] Sheehan, supplementary evidence dated 24 May 2021 at [11].
[209] De Pelsemaeker, reply (June) 2021 at [36(c)(i) and (ii)].

reports on dam safety[210] and agreed that Mr Sheehan had not provided evidence in relation to the maintenance work that is required in relation to the dams that he is supervising.[211]

[159] Mr Curran accepted that there were health and safety obligations for dam owners irrespective of the duration of the consent for the dam and that owners could not opt out of these obligations.[212] Indeed, under the operative regional plan the use of dam structures is a permitted activity provided that the structures are maintained in good repair.[213]

Why does PC7 capture only deemed permits for damming and discharge of water, and not RMA permits for damming and discharge of water? Is there a resource management reason for that difference in approach?

[160] Mr Curran said that he was at a loss to explain why PC7 captured deemed permits for the damming and the associated discharge of water but not resource consents issued under the RMA for damming and discharge, including in particular consents which expire prior to 31 December 2025.

[161] This issue of the exclusion of dams with RMA permits from PC7 was responded to by Mr De Pelsemaeker[214] and followed up by counsel for OWRUG.[215]

[162] Mr De Pelsemaeker said that the reason RMA consented dams had been excluded from PC7 was that unlike dams with deemed permits, consents for the RMA dams had been processed more recently and included conditions for managing environmental, cultural and amenity values. Dams are part of an

---

[210] Transcript Dunedin WKS 7/8 (Curran) at 746-747.
[211] Transcript Dunedin WKS 7/8 (Curran) at 747-748. We note also Mr Sheehan does not supervise the Falls Dam – see Dunedin WKS 7/8 (Sheehan) at 723.
[212] Transcript Dunedin WKS 7/8 (Curran) at 748-749.
[213] RWP, Rule 13.1.1.1
[214] De Pelsemaeker, reply (June) 2021.
[215] OWRUG, closing submissions dated 5 July 2021.

interconnected network and their inclusion within PC7 enables a more holistic and integrated regime for managing resources on a catchment-wide basis under a future regional plan.[216]

[163] That said, Mr De Pelsemaeker did not include any details of the timing of the processing of the consents for the RMA dams nor a list of these dams, with counsel for OWRUG submitting that none of these dams could be classified as "recently consented".[217] The parties' evidence is such that the court is unable to form a view as to the point of distinction between RMA dams and dams authorised by deemed permits, but nor do we consider this a matter we need to determine in order to reach a view on the issue at hand.

What is the nature of the inter-dependence between the damming of water and subsequent discharge, take, and use of stored water? On reconsenting, is it appropriate to consider the damming and subsequent discharge of water separately to the take and use of the stored water?

[164] The Regional Council's position was that a six-year term of consent allows damming to be considered under the new regional plan and proposed policy statement, both of which are to give effect to Te Mana o te Wai including the consideration of the interconnected effects of damming discharges and water takes in a way that is consistent with the principle ki uta ki tai.[218]

[165] Aligning the expiry dates of damming activities with other associated consents (all granted on a short-term basis) would also enable an efficient and effective transition towards a more holistic and integrated regime for managing water resources in the affected catchments.[219]

---

[216] De Pelsemaeker, reply (June) at [30] and [31].
[217] OWRUG, closing submissions at [44].
[218] ORC, closing submissions at [171]-[172].
[219] De Pelsemaeker, reply (June) at [31].

Are reservoirs created by the exercise of damming permits a water body for the purposes of Objective 2.1 of the National Policy Statement for Freshwater Management 2020?

[166] The Regional Council's position was that reservoirs created by damming permits constituted water bodies and therefore fell within the ambit of the NPS-FM management regime. It was counsel's understanding that this issue was not in dispute.[220]

If reservoirs are a water body for the purposes of Objective 2.1 of the National Policy Statement for Freshwater Management 2020, should PC7 anticipate that permits to dam water may not be renewed at all after the new land and water regional plan is made operative?

[167] OWRUG said that it did not perceive any party to be advocating for a position under which, at the end of the six years, drainage of Falls and Fraser Dams would be in serious contemplation.[221] And further, it would seem reasonable to extrapolate that when a new regional plan is made operative, applications to renew permits for the damming of water would not be precluded. That may be so, however the classification of a reservoir as being a water body is not germane to the central issue of whether dams are to be excluded from the plan change.

Decision – should dams be excluded from PC7?

[168] OWRUG contends that there were a number of reasons why dams should be excluded from PC7. These include that damming permits leave water in the system and therefore the environmental effects are different from other forms of water takes and uses,[222] and that reservoirs formed by dams were water bodies and therefore their needs had to be considered under tier 1 of Objective 2.1 of the

---

[220] ORC, closing submissions at [169].
[221] OWRUG, closing submissions at [51].
[222] OWRUG, closing submissions at [46].

NPS-FM 2020.[223] Counsel for OWRUG also submitted the s 32 Report did not identify that dam permits were ever intended to be part of PC7.[224]

[169] It is beyond contention that dams are integral components of the infrastructure established to service most, if not all, irrigation schemes, and for this reason alone there could be no justification for excluding dams from consideration under PC7 as sought by OWRUG. By way of example: Falls Dam Company Limited's submission on the plan change notes that Falls Dam provides storage for the irrigation of around 10,000 ha of land in the Manuherekia Valley and that its operation requires a "difficult and delicate" balancing act to optimise use of run of river supplies, meet water demand where possible, maintain minimum flows in the system above an informal target flow and secondary, to maximise hydro-electricity generation.[225]

[170] We understand that dam owners/operators want security of a long-term consent before making capital investment in infrastructure. However, as Mr Curran properly conceded, dam owners could not opt out of their operational health and safety obligations even if replacement consents were limited to a six-year term. This concession was consistent with Mr De Pelsemaeker's evidence on the same topic.

[171] To satisfy ourselves that the exclusion of RMA permits for the damming and discharge of water in PC7 was not an oversight by the Council, we refer to the s 32 Report which states that:[226]

> PC 7 does not introduce any additional provisions for the management of <u>damming</u>, diversion or discharge activities other than providing for the replacement of deemed permits that authorise those activities through Rules

---

[223] OWRUG, closing submissions at [47].
[224] OWRUG, closing submissions dated 5 July 2021 at [45].
[225] Falls Dam Company Limited Submission on PC7 dated 4 May 2020 at [7] and [8].
[226] Section 32 Report at 20.

10A.3.1 and 10A.3.2. [our emphasis]

[172] This is reflected in Rule 10A.3.1.1 (the controlled activity rule) of the notified plan change which provides for "(a) <u>any</u> activity that is currently authorised under a Deemed Permit" and the more limited "(b) the take and use of surface water … that is currently authorised by an existing water permit" with Rule 10A.3.2 (the non-complying activity rule) having equivalent wording. [Our emphasis].

[173] The s 32 Report, the notified plan provisions and Mr De Pelsemaeker's evidence[227] are consistent with each other in supporting replacement deemed permits for damming activities to be provided for in PC7, whereas permits issued under the RMA are excluded.

[174] Clearly there is an inter-relationship and inter-dependence between the damming of water and subsequent discharge, take, and use of stored water. What is to happen in relation to impounded water is a matter better addressed under the NPS-FM 2020, proposed policy statement and a new regional plan, including consideration of resource consenting on an integrated rather than piecemeal basis.

[175] We do not accept OWRUG's submission that s 128 can be relied on to bring dam operational conditions in line with future take and use permits.[228] We find reconsenting dams under the regional plan runs the risk that the applicant for resource consent (i.e. dam owner) will strongly influence the determination of minimum flows and levels of water bodies under a future regional plan. The better course is to adopt an integrated management approach as required by Te Mana o te Wai (NPS-FM 2020, cl 3.5) and by the proposed policy statement.

---

[227] De Pelsemaeker, reply (February 2021) at [116].
[228] OWRUG, closing submissions at [51].

Other miscellaneous relief

[176] In this section of our decision we address a range of issues raised in submissions and in evidence,[229] but not discussed during the hearing.

Consumptive takes for community and domestic supplies

[177] Several submitters on the plan change requested that PC7 be amended to better provide for commercial potable water supplies and domestic and community supplies.[230] These included all of the Territorial Authorities in the region, Maniototo East Side Irrigation Company,[231] and Heritage Park Water Users.

[178] Our response on the submissions from the Territorial Authorities is addressed in a separate section and not repeated here.

[179] While Mr De Pelsemaeker's evidence was that the Maniototo East Side Irrigation Company sought that the Water Plan Schedules 1B and 3A be updated to include all existing community water supplies,[232] this submission was made by the Territorial Authorities and we have not accepted the same.

[180] Heritage Park Water Users hold a water permit which expires in August 2025. This submitter sought that the plan change be amended to provide for the renewal of existing authorised takes for rural residential properties where no other water is available. Under the final set of provisions for the plan change, applications for a replacement consent from this submitter would be considered

---

[229] Primarily the evidence of Mr De Pelsemaeker.

[230] De Pelsemaeker, EiC at [336].

[231] Clutha District Council and Waitaki District Council (submitter 71173), Central Otago District Council (submitter 70026), Queenstown Lakes District Council (submitter 70048) and Dunedin City Council (submitter 70026), Heritage Park Water Users (submitter 71020), Maniototo East Side Irrigation Company (submitter 71026).

[232] De Pelsemaeker, EiC at [336(e)]. Note: we were unable to find reference to this in this submission. We assume that the incorrect submitter number was referenced (which is entirely understandable in the context of the large number of submissions made).

as either a controlled activity or a restricted discretionary activity provided that entry conditions are met.[233] Otherwise a non-complying activity would be required and the policy on duration (Policy 10A.2.3) would apply.

Retakes

[181] While he did not refer to any specific submissions on this issue, and we do not recollect seeing any, Mr De Pelsemaeker gave evidence that a 'retake'[234] is usually considered as part of the take and use application for the 'parent' take(s) and therefore would be considered within the envelope of the rule(s) which apply to the 'parent' take(s).[235]

[182] In the absence of any evidence to the contrary, that appears sensible and given the purpose of the plan change a different approach is not warranted.

Diversions[236]

[183] There are no deemed permits that specifically provided for the diversion of water and PC7 does not seek to manage applications for resource consents for new or existing diversions of water. If consent is required under the operative regional plan rules, then PC7's policies on duration would apply.

[184] Aside from Mr De Pelsemaeker, we do not recall receiving any evidence on the treatment of diversions or seeing any submission on the plan.

---

[233] The entry conditions include that the consent is not to exceed six-years in duration.

[234] De Pelsemaeker, EiC at [307] where he sets out his understanding that retakes are generally understood to be takes of irrigation run-off water.

[235] De Pelsemaeker, EiC at [308] (unless the activity is permitted by Rule 12.1.2.3 – takes from artificial lakes).

[236] In the operative regional plan the term 'divert' means the process of redirecting flow from its existing course to another.

Augmented flows[237]

[185] Mr De Pelsemaeker lists a range of conditions under which flow augmentation might occur.[238] Augmented takes are provided for under Rule 12.1.4.1 of the regional plan as a restricted discretionary activity (these being separate from takes from races or reservoirs which are not specifically provided for by this rule).[239] He considered it plausible, as some submitters had suggested,[240,241] that where surface flows are augmented, the take of augmented water has little effect on the water body and may have a positive impact on the surface flow and habitat availability, especially at times when inflows in the catchment are low.[242]

[186] Mr De Pelsemaeker advised that there was no consistency or clarity in terms of the legal relationship between the water permit that authorises the augmented take and the permit which provides for the parent take or the supply of the augmented water.[243] While submitters sought the exclusion of augmented flows from the plan change, the submissions had not provided enough information for him to support this relief.[244]

---

[237] The regional plan defines the term 'augmentation' as 'increasing the supply of available water through the active management of water resources'.

[238] De Pelsemaeker, EiC at [301].

[239] De Pelsemaeker, EiC at [303].

[240] Loganbrae Limited (71120)'s, permit to take and use water from Logan Burn for irrigation expires in 2023. It states that takes from Logan Burn are augmented by the Maniototo Irrigation Company storage in the headwaters of the Logan Burn (the Loganburn Dam) and that this dam discharges into the Logan Burn and uses the Logan Burn and the Taieri River as a transport mechanism until the water is abstracted at the Paerau Weir. Loganbrae Limited seeks that its water together with the whole of the Taieri catchment take be excluded from consideration under PC7.

[241] SEE Enterprises Ltd (71127) holds water permits for takes and uses from three sources in the Upper Taieri catchment. It has already lodged applications for replacement consents for two of these permits. Its submission mirrors that of Loganbrae Limited in that it states that takes from the Logan Burn are augmented with water from the Loganburn Dam. It also seeks that its water takes with the whole of the Taieri catchment be excluded from consideration under PC7.

[242] De Pelsemaeker, EiC at [305].

[243] De Pelsemaeker, EiC at [306].

[244] De Pelsemaeker, EiC at [306].

[187] Having reviewed the submissions, we agree that augmented flows should not be exempt from consideration under PC7; this would be inconsistent with the processes mandated by the NPS-FM 2020. These matters are better left for the future regional plan.

Non-consumptive takes

[188] The operative regional plan defines a take as being 'non-consumptive' when:[245]

(a) the same amount of water is returned to the same water body at or near the location from which the water was taken; and
(b) there is no significant delay between the taking and the returning of the water.

[189] This definition is consistent with the description of 'non-consumptive takes' in Regulation 4 of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.[246]

[190] Mr De Pelsemaeker listed examples of non-consumptive takes as including dewatering takes for mining or construction pits, takes for hydro-electricity generation, and takes for amenity enhancement, with the size of these takes varying from very small to very large.[247]

[191] On the issue of whether amendments should be made to the notified version of PC7's framework to accommodate submitter requests for the management of non-consumptive takes, Mr De Pelsemaeker said that before making a recommendation, he would prefer to wait and see if any relevant further information on this issue might emerge through evidence exchange and the

---

[245] De Pelsemaeker, EiC at [311].
[246] De Pelsemaeker, EiC at [312].
[247] De Pelsemaeker, EiC at [320].

hearing process.[248]

[192] We do not recall sighting any such evidence nor any discussion on this issue during the hearing, however we have reviewed submissions on this topic.[249] On the evidence before us we are unable to conclude, as many urge, that this activity has no effects on the environment. A replacement consent for a non-consumptive take expiring prior to 31 December 2025, if compliant with the rule's entry conditions and standards, will be assessed as a controlled activity, meaning consent will be granted.

Unmetered takes

[193] Mr De Pelsemaeker noted that consent holders who held a consumptive take that was not required to be metered[250] were unlikely to comply with the entry conditions of the notified controlled activity Rule 10A.3.1.1.

[194] In response, the final set of the PC7 provisions approved by the court now provides for those situations where metering is not required under the 2010 Regulations. [251]

Fire risk

[195] Mr De Pelsemaeker responded to concerns raised by submitters about increased fire risk if users were to lose part of their consented water allocation as a result of PC7. He noted that under s 14(3)(e) RMA, a person is allowed to take

---

[248] De Pelsemaeker, EiC at [322].

[249] Benjamin Harding Oliver Keenan (71193), Chris Dignan (71197), Paydirt (71205), Karl Benjamin Lawrence (71220), Samuel Counsell Stephens (71245), Tim Le Comte (71248), Cold Gold Clutha Limited (71007), Mark Skinner (71002), Darryl Sycamore (71003), Graeme Hutchins (71004), Russell Irwin Knight and Doug Jones (71005), Benjamin Harding Oliver Keenan (71193), Tony Sewhoy (71252), Mitchell Grierson (71227).

[250] Regulation 4(1) of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 exempts holders of a consent to take water at a rate of less than 5 l/s from the requirement to measure their water use.

[251] Rule 10A.3.1.1(vii).

water at any time if the water is required to be taken for emergency or training purposes in accordance with s 48 of the Fire and Emergency New Zealand Act 2017.

Artificial snowmaking and water harvesting

[196] To the best of our knowledge, Cardrona Alpine Resort Limited through its consultants, Land and Water Limited, is the only submitter on the topic of taking and storing of water for artificial snowmaking.[252] A related topic is water harvesting, often for storage purposes.[253]

[197] Cardrona said it was essential that it maintained its present limited water allocation into the future and proposed to exclude its activities from the plan change. Cardrona's submission was based on the notified version of PC7 which included average rates of takes and volumes in the methodology of Schedule 10A.4, whereas in the final version of the schedule averages have been replaced with historical maximums.

[198] More generally, Cardrona's water permits are consented as primary allocation. We are not satisfied that the case for exempting Cardrona from PC7 and proceeding under the operative regional plan has been made out.

[199] Mr De Pelsemaeker said that water takes for storage are also often authorised by supplementary allocation consents or further supplementary allocation consents. His evidence was that it would not be appropriate to exempt supplementary allocation takes from the framework of PC7. We agree that water takes for storage, be it for snowmaking or harvesting activities, should not be exempt from the provisions of PC7.

---

[252] Submission 70046.

[253] Michelle and Stephen Holland (71077), Dennis Anthony Cairns – Kynlallan Farming Co Ltd (71103) and Otago Water Users Resource Group (71161).

[200] The harvesting of water for storage purposes at times of high flow is important to ensure reliability of supply. The future regional plan is likely to review the circumstances as to when and where this may occur. Mr De Pelsemaeker cautioned against users making further investments in water storage or snowmaking because the conditions under which water might be taken for such purposes might need to be reconsidered under the new regional plan.

Calendar months

[201] Southern Lakes Holdings submitted that the use of a moving average to represent any phenomena or any scientific or natural phenomena was a very common measure rather than having an arbitrary timeframe that did not relate to natural weather patterns. While this proposition may well have merit, it was not pursued by the technical experts in their conferencing with their decision being to base monthly volumes on calendar months. For the purposes of PC7 we conclude that the use of calendar months is straightforward.

Farm Management plans

[202] Wise Response and others support the use of farm management plans. The plan change does not settle the outcomes these plans are to implement. So while we acknowledge their value and important contribution to sustainable land and water management practices, their introduction into this plan change is premature.

The provisions of the plan change

The Objective(s)

> **10A.1.1 Facilitate an efficient and effective transition from the operative freshwater planning framework toward a new integrated regional planning framework, by managing:**
>
> **(a) the take and use of water ~~not previously authorised by a water permit~~; and**
>
> **(b) the replacement of deemed permits; and**
>
> **(c) the replacement of water permits for takes and uses of freshwater where those water permits expire prior to 31 December 2025.**

[203] All planners agreed that splitting the objective into multiple elements, clarifies the specific outcomes that are sought to be achieved through PC7.[254] Its outcome will be the transition from the current planning framework for managing freshwater under the operative regional plan and the regional policy statement to a future planning framework that provides for an integrated approach to the management of land and fresh water. That way the Otago Regional Council will give effect to the higher order planning documents.

Has the Objective been inadvertently narrowed?

[204] It occurs to us that the Objective is proposed to be amended in a way that inadvertently narrows the plan change.

[205] The notified version of the Objective talked about an interim framework to manage 'new water permits'. 'New water permits' are distinguished from grants of consent for activities formally authorised by a deemed permit or a water permit

---

[254] 9th JWS Planners dated 4 and 21 June 2021 at [6].

expiring prior to 31 December 2025 (which we will refer collectively to as 'replacement permits').

[206] The Regional Council's policy planner proposed to amend the Objective deleting 'new water permits' and inserting 'water permits for takes and uses of freshwater not previously authorised by a water permit' and this drafting has been refined in subsequent Joint Witness Statements ('JWS's).[255]

[207] The category of 'new water permits' in the notified plan is a clumsy expression in the sense that any grant of a resource consent is a 'new' grant, including grant of consents for 'replacement permits'.

[208] That said, the Objective (as notified) applied to both 'new water permits' and 'replacement permits' and the policies and rules maintain these two classes of permits with the effect that everything outside of the narrower class of 'replacement permits' is captured by the general 'new water permit' class. If correct, the class of activity 'new water permits' includes any application in relation to activities authorised by water permits that expire after 1 January 2026.

[209] Few counsel/parties addressed the scope of the objective and policies directly, for those that did:

(a) the Regional Council said the plan change establishes a requirement for short duration consents for all new water permits. Policies 10A.2.2 and 10A.2.3 are distinguished: Policy 10A.2.2 applies to resource consent applications for new surface water and groundwater takes, whereas Policy 10A.2.3 applies to replacement permits;[256]

(b) Ngā Rūnanga addressed the plan change as providing direction on duration for all water permits and replacement permits;[257] and

---

[255] De Pelsemaeker, EiC at Appendix B.
[256] ORC, opening submissions at [114].
[257] Ngā Rūnanga, opening submissions at [10] and [27].

(c) Minister for the Environment considered the plan change as providing for short duration consents for all new water permits granted under the operative regional plan rules and also for replacement permits.[258]

[210] We have found no submission seeking to narrow the 'new water permit' class in the way proposed. Otago Fish and Game Council, Central South Island Fish and Game Council, and Forest and Bird each made submissions on the plan change requesting the word 'new' be deleted from the provisions, but we understand this was proposed to clarify (not change) the provisions. Fish and Game interpreted Policy 10A.2.2 as a policy on duration applying to all resource consents and noted the interchangeable use of "new resource consents" and "resource consents" in three policies created uncertainty.

[211] See also the s 32 Report at pp 5 and 7 as providing "direction on the consent duration for all water permits to take and use water".

Possible solution – if the Objective has been inadvertently narrowed

[212] If the plan change has been inadvertently narrowed, then we think the solution is straightforward. The scope of the plan change would be clarified by amending sub-clause (a) to simply read 'the take and use of water;' and making consequential amendments to Policy 10A.2.2 and to the explanatory material. This amendment respects the language used in Policy 10A.2.2 and we have track changed the amendments in Annexure 8: Plan Change 7 Provisions.[259]

[213] There are consequential amendments to:

(a) how to use the Regional Plan: Water [2];
(b) duration Policy 10A.2.2;

---

[258] MfE, opening submissions at [20] and [21.2] and [21.3].
[259] All amendments are tracked.

(c) 10A.3 advice Note [1] to Rules; and

(d) table of minor and consequential changes Section 1.4.

Those amendments make it clear that the plan change has a new policy on duration that applies to all applications to take and use water lodged under the rules of Chapter 12 of the regional plan (i.e. applications other than those to which Rule 10A.3.1.1 of Chapter 10A applies).

Should there be objectives in addition to Objective 10A.1.1?

[214] The planners participating in the 9th joint witness conference proposed additional objectives, although were not agreed on the same.[260] The conference went well beyond the court's directions[261] with participants proposing new objectives for what appeared to us to be a range of purposes, not all of which were recorded in the JWS, and without addressing whether there was scope to amend the plan this way.

[215] We divine the additional objectives versions from this joint witness conference are to create an exception to the policies on duration and secondly to promote a pathway for non-complying activities. Version A allowed exceptions for 'where the risk of additional adverse environmental effects resulting from any proposed increase in the scale or duration of the take and use … is low'. Version B (with two objectives) allowed for increasing scale and rate or volume and duration 'if this does not compromise the implementation of an integrated regional planning framework that prioritises the health and well-being of water bodies and freshwater ecosystems'.

---

[260] 9th JWS Planners dated 4 and 21 June 2021 at [7].

[261] The directions were given in court.

Decision – should there be objectives in addition to Objective 10A.1.1?

[216] The court considered the alternative versions put forward by the planners at the 9th joint witness conference, including the reasons for a change in opinion of those who earlier supported a single objective. Both alternatives gave rise to serious questions over their possible interpretation and application in practice. The potential for unforeseen consequences was extensively explored with the planning witnesses.[262]

[217] Subject to finalising the drafting, the court would approve the amended version of Objective 10A.1.1 as more clearly describing the purpose and nature of the plan change than the notified version.[263] This Objective and PC7 as a whole, is only an interim step towards achieving the purpose of the RMA and giving effect to the NPS-FM 2020 (and other relevant higher order planning documents), but it is a critical measure if this is to be done in an efficient and effective manner.

[218] The breadth of Objective 10A.1.1 encompasses the policies enabling short duration consents as well as the exception from a duration policy for hydro-electricity generation and the specific provision made for stranded assets. Activities not caught by the rules for controlled and restricted discretionary activities are non-complying activities. Having heard extensively from the planning witnesses, we are firm in our view that this plan change should not attempt to provide policy support for non-complying activities.

---

[262] Transcript Dunedin WKS 9/10 (Brass, De Pelsemaeker, S Dicey, Ensor, Farrell, King, McIntyre, Perkins, Styles, Twose, Hodgson) at 142-182.

[263] The notified version of the objective is: 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.

[219] We see advantages in the single objective. The architecture of PC7 is to give the direction on duration in the policies including any exceptions as may apply. We find that is the most appropriate approach.

Policies

Replacement consents[264]

10A.2.1 **Irrespective of any other policies in this Plan, avoid granting resource consents that replace Deemed Permits, or water permits for takes and uses of 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:**

- **(a) The Deemed Permit or water permit that is being replaced is a valid permit; and**
- **(b) There is no increase in the area under irrigation, except where any additional area to be irrigated is only for orchard or viticulture land uses and all mainline irrigation pipes servicing that additional area were installed before 18 March 2020; and**
- **(c) Any existing residual flow, minimum flow or take cessation condition is applied to the new permit; and**
- **(d) For takes other than community water supplies <u>there is no increase in:</u>**
  - **(i) ~~there is no increase in~~ the historical instantaneous rate of abstraction; and**
  - **(ii) ~~there is no increase in~~ any historical volume of water taken.**

Should there be a limitation on total land area under irrigation?

[220] As notified, Policy 10A.2.1 limits any increase in area under irrigation. Many parties/submitters would delete this policy and its associated rules because farmers look to increase production by expanding the area under irrigation. This

---

[264] Annexure 8: Plan Change 7 Provisions.

way they can afford to repay the debt incurred when upgrading to more efficient irrigation infrastructure.[265]

[221] In this section we concentrate on the case presented by Beef and Lamb, as they provided expert evidence to support an amendment to the policy. We do so, keeping in mind that a range of reasons were given for opposing this policy.

[222] Use of water for irrigation and losses of contaminants can be correlated.[266] The expansion of irrigable area may result in an increase in contaminant loads.[267]

[223] Dr J Chrystal, Principal Science Advisor employed by Beef and Lamb, argued that with improved irrigation and management systems, such as moving from border dyke to centre pivot, it is possible to increase the irrigated area without necessarily increasing nutrient losses to water, indeed improved efficiency will likely see an overall decrease in losses, although this depends on the level of intensification of the land use on the expanded irrigated area.[268] As noted, irrigation infrastructure is costly and typically a farmer will look to pay for that cost by increasing profitability.[269] We accept this evidence as we do the opinion of Beef and Lamb's planner, Ms H Marr, that one consequence of Policy 10A.2.1(b) is that farmers will not upgrade their irrigation systems and therefore, a reduction in adverse effects from existing farming activities may not be realised (we interpolate, over the interim period).

[224] Importantly, Dr Chrystal is not advocating for an increase in irrigable area without also bringing to bear a range of measures to reduce the likelihood of contaminant losses.[270] While it was Dr Chrystal's opinion that an increase in the area of land irrigated does not automatically lead to a high nutrient loss, her

---

[265] See De Pelsemaeker, EiC dated 7 December 2020 at [365]-[376].
[266] Transcript Cromwell WKS 4/5 (Phillips) at 424.
[267] Transcript Cromwell WKS 4/5 (Marr) at 503.
[268] Chrystal, EiC at [20].
[269] Chrystal, EiC at [45].
[270] Transcript Cromwell WKS 4/5 (Chrystal) at 452.

evidence does not demonstrate that there is no increase in loss. Indeed, she said that the available mitigation measures will reduce, but not necessarily eliminate, the risk of losses.[271]

[225] While Beef and Lamb opposed the restriction on expansion of land under irrigation, they did not propose land use or contaminant controls. Indeed, Beef and Lamb expressly eschewed this lest farmers be locked into a nutrient load that is subsequently incorporated into a future regional plan. Beef and Lamb submitted the management of contaminants and land use is a matter best left for a future regional plan.[272]

[226] Ms Marr also put forward a proposed new policy to provide a decision-making framework for situations where an increase in the area to be irrigated could be provided for. Initially that was to apply where it can be demonstrated that the increased area has already been planned for and reasonable steps were taken to implement the increase, and secondly that it would result in more efficient use of water and reduce environmental impacts compared to the historical situation. She proposed an accompanying restricted discretionary activity rule. Later Ms Marr changed her original recommendation and removed the second limb of her proposed provisions relating to efficiency and environmental impacts from the policy and the rule.[273] Ms Marr was extensively cross-examined, and both propositions, we find, were demonstrated to be unworkable. For the first limb that was principally because of the uncertainty about what were 'reasonable steps' to implement a planned increase and the extent of activities that might involve. For the second limb the policy parameters are uncertain. The policy would, we find, undermine the purpose for and objective of PC7.[274] We take up the topic again in the context of stranded assets (below).

---

[271] Transcript Cromwell WKS 4/5 (Chrystal) at 437.
[272] Transcript Cromwell WKS 4/5 (Phillips) at 424.
[273] Marr, EiC at [44]-[45]; supplementary at [21] and Appendix 1.
[274] Transcript Cromwell WKS 4/5 (Marr) at 483-579.

[227] For some other parties, it became clear that that the extension of the qualifying period now supported by the Regional Council, which will include a greater area of land than what was notified, took care of their concerns, particularly in the light of amendments proposed to increase the limits on rate of take and volumes in Schedule 10A.4.

Decision – should there be a limitation on total land area under irrigation?

[228] We accept that there are a range of measures that could be applied to reduce contaminant losses from nutrient run-off and leaching.[275] Beef and Lamb proposed that a restricted discretionary rule apply to increase irrigable area, however its draft rule does not reserve to the Regional Council a discretion in relation to water quality. While the Freshwater – NES has standards that could apply,[276] the NES does not cover the full range of contaminant sources. The consent authority cannot, as may have been assumed, plug policy gaps by considering the higher order planning documents directly when determining the consent applications as (a) the policy does not exist and (b) Beef and Lamb's proposed rule excludes this.[277]

[229] The court's findings on the topic of water quality are set out in Annexure 4: Water Quality and we have borne these in mind in reaching this decision. The State and Trends Report[278] highlights the need for new and replacement water permits under PC7 to be restricted to a term of six years to enable water quality to

---

[275] Chrystal, EiC at [46]. Dr Chrystal included in her evidence two modelling exercises which she said highlighted that the range and degree of impact of irrigation in terms of nutrient losses through different systems was varied and depended on a range of factors.

[276] We have in mind dairy conversion, dairy support and intensive winter grazing.

[277] Transcript Cromwell WKS 4/5 (Marr) at 502-503.

[278] Rachel Ozanne *State and Trends of River and Lake Water Quality in the Otago Region 2000-2020* (Otago Regional Council, Christchurch, 2021) (the State and Trends Report) attached to Snelder, supplementary evidence dated 20 May 2021.

be comprehensively addressed in a future regional plan. Water quality across the region is variable. We illustrate this with reference to the two rohe below:[279]

Dunstan rohe

For the majority of sites in this rohe, water quality is excellent.

The Cardona River has "*exceptionally unlikely*" or "*extremely unlikely*" improving trends for *E.coli*, TN, NNN, and SQMCI with similar trend assessments applying to turbidity in Mill Creek, Luggate Creek and the Kawarau and NNN in Luggate Creek. The NNN trend for the Cardrona River is identified as possibly being linked to increasingly intensive land use associated with irrigation in the lower Cardrona. Mill Creek has improving trends in DRP, *E.coli*, NNN, TN and TP. The report notes that the reasons for these trends have been difficult to assess in the absence of accurate information on changes in land use and land management practices around the river.

Manuherekia rohe

For the Manuherekia River, while water quality is excellent for all attributes measured above Falls Dam, bacterial water quality deteriorates downstream of the dam to below the national bottom line at Ophir and Galloway. Bacterial water quality is also below the national bottom line at all tributary sites (Hills Creek, Thomsons Creek and the Poolburn) with Thomsons Creek and Poolburn also having poor water quality below the NPS-FM bottom line across all attribute states other than toxicity. The poor water quality in Thomsons Creek is likely to be replicated in all creeks originating in the Dunstan Mountains as these tributaries flow over productive

[279] Annexure 4: Water Quality. Note: acronyms are set out in the State and Trends Report.

farmland towards the Manuherekia.

In terms of trends, there are a number of sites in tributaries in this rohe which have degrading water quality below the national bottom line which, when combined, are likely to be contributing to the degrading trends in the main stem of the Manuherekia.

[230] Manuherekia is not the only catchment/rohe in Otago with attribute states below national bottom lines. That this is the case is not at all surprising given the general absence of land use and contaminant controls in the operative regional plan.[280]

[231] We find against the proposed expansion of land under irrigation because:

(a) use of water for irrigation and losses of contaminants are correlated;
(b) no controls on land use and contaminant losses are proposed;
(c) the expansion of irrigable area may result in an increase in contaminant loads;[281] and
(d) the findings on water quality and water quantity have informed our decision.[282]

Should there be any exception from the total land area under irrigation including for 'stranded assets'?

Introduction

[232] In this section we are dealing with submissions in relation to Policy 10A.2.1(b) and related rules, but this time are considering whether an exception

---

[280] See, for example, Cromwell WKS 4/5 (Marr) at 489-512 this includes having no controls over fertiliser use and application; or discharges from farm activities; or intensification of farm activities; or grazing controls. No requirement to adopt best practice for farm management or best practice for fertiliser application.
[281] Transcript Cromwell WKS 4/5 at 503.
[282] Annexure 4: Water Quality and Annexure 5: Water Quantity.

should be made for cases where cost has been incurred installing irrigation infrastructure (referred to in this decision as 'stranded assets').

[233] The planners conferenced on the topic of stranded assets and reported back in the 9th JWS. Their understanding from the evidence was that the mainline infrastructure on at least some orchard/viticulture properties had been sized and installed to irrigate all of the land planned for development.[283] They noted also the potential for adverse water quality effects to arise from expanded irrigation areas, albeit with a lower risk of adverse effects for orchards and viticulture than for pastoral farming.

[234] There was general agreement among them that the operative regional plan does not adequately support a detailed assessment of the water quality effects associated with irrigation expansion. There was also agreement that a six-year consent duration in association with a limitation on land use type and allocation to historical use would limit the risks associated with water quality from irrigation expansion. Given that there was a lack of detailed information about the risk of adverse water quality effects arising from the irrigation of stranded asset areas, a precautionary approach was recommended if these areas were to be provided for under the plan change.

[235] The planners recommended that irrigation for areas which involved stranded assets for viticulture and orchards (but not increases in currently irrigated pastoral areas) could be provided for through the following amendments to the plan change:

---

[283] We received evidence confirming this from orchardists and viticulturalists Strath Clyde Water Ltd, McArthur Ridge Vineyard Ltd and Mount Dunstan Estates Ltd (collectively Strath Clyde); Aotearoa New Zealand Fine Wine Estates Limited Partnership and Webb's Fruit. Pastoral farmer, Southern Lakes Holdings Ltd, is in a similar position however director, Mr Enright's, submission had not been given at the time of the conferencing.

for Policy 10A.2.1(b) to be amended to read:

> there is no increase in the area under irrigation except where any additional area to be irrigated is only for orchard and/or viticulture land uses and all mainline irrigation pipes servicing that additional area were installed before 18 March 2020; and

for a new entry condition to RDA Rule 10A.3.1A.1(iii)(b) to read:

> any additional area to be irrigated is only for orchard and/or viticulture land uses and all mainline irrigation pipes servicing that additional area were installed before 18 March 2020.

for a new matter of discretion to RDA Rule 10A.3.1A.1(ab) to read:

> where (iii)(b) applies, the maximum size of the additional area to be irrigated and the use of good management practices on the additional area; and

for a new definition of mainline irrigation pipes to read:

> The primary permanently installed pipelines delivering water to the irrigated area including the connections to the headworks at the pumping location.

[236] In closing, Mr Reid for Strath Clyde supported these amended provisions but submitted that these would be better dealt with as a controlled activity rather than as a restricted discretionary activity.[284]

[237] Drawing primarily on the evidence of Dr D Jordan, the viticulture specialist who gave evidence on behalf of McArthur Ridge, Mr Reid made the following points about vineyards (and by implication, orchards):[285]

- they do not involve the grazing of animals;
- the nutrient leaching rates are generally similar to or less than

---

[284] Strath Clyde, closing submissions at [6].
[285] Strath Clyde, closing submissions at [22] and [23].

unirrigated sheep and beef farming;

- low impact horticulture crops use much less water than irrigated pasture;
- where nitrogen is applied, this is low compared with pastoral applications, and leaching from vineyard activities is very low;
- it is uncommon to apply phosphorus to vineyards; and
- the takes and volumes of water will be restricted to historical use.

[238] He concluded by submitting that there was no real reason to take a precautionary approach for viticulture (and orchards) by adopting a restricted discretionary pathway when the stranded asset issue was so limited in scope. While he did not suggest any amendments to the wording recommended by the planners, his submission was that stranded assets for viticulture (and orchards) should be provided for under a controlled pathway.

[239] Ngā Rūnanga said that it would (with reluctance) accept a narrow restricted discretionary activity status for stranded assets for viticulture and orchards provided the consent duration did not exceed six years.[286] We note that Wise Response did not consider that there was any basis for considering any allowance for stranded assets.[287]

[240] While the Regional Council supported the recommended amendments sought under the restricted discretionary activity pathway,[288] when questioned by the court, Mr Maw said that he did not disagree that it was unlikely that an application for a replacement consent to include stranded assets for viticulture and orchards would be turned down by the Council. He said that if the court was so

---

[286] Ngā Rūnanga, closing submissions at [29].
[287] Wise Response, closing submissions at [17].
[288] ORC, closing submissions at [190].

minded, with suitable drafting, he would not see any difficulties if a lesser restriction was to apply for stranded assets under a controlled activity pathway.[289]

Decision – should there be any exception from the total land area under irrigation, including for 'stranded assets'?

[241] We accept the general consensus of the parties that stranded assets for viticulture and orchard land uses should be an exception to the total area of irrigation as at 18 March 2020 and be provided for in PC7 for a six-year term. The issue for us is whether these assets should be considered under a restricted discretionary activity pathway or available under both a controlled activity and restricted discretionary pathway.

[242] We accept that it is unlikely that an application to include stranded assets for viticulture and orchards would be declined by the Council and find, therefore, that an application for a consent seeking the inclusion of stranded assets for viticulture or orchard land uses should be provided for under a controlled activity pathway. The wording for the provisions is set out in Annexure 8: Plan Change 7 Provisions.

[243] Given the state of water quality in the region,[290] and the absence of controls proposed for this activity, we are unable to provide relief sought by Southern Lakes. The potential contaminant losses consequential upon the use of a centre pivot in a pastoral setting are likely to be greater than viticulture and horticultural activities.

Policies on duration[291]

Policy 10A.2.2 **Irrespective of any other policies in this Plan concerning consent duration, only grant resource consents for takes <u>and</u> uses of**

---

[289] Transcript Dunedin WKS 9/10 (Maw) at 762, 763.
[290] Annexure 4: Water Quality.
[291] Annexure 8: Plan Change 7 Provisions.

freshwater, where this activity was not previously authorised by a deemed permit or by a water permit expiring prior to 31 December 2025, for a duration of no more than six years.

Policy 10A.2.3 **Irrespective of any other policies in this Plan concerning consent duration, avoid granting 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 more than six years; except:**

(x) where the take and use of water replaces a Deemed Permit associated with hydro-electricity generation infrastructure listed in Schedule 10A.5.1 and the applicant takes practicable steps to remedy or mitigate any adverse effects on the environment arising from the activity.

[244] The above are two duration policies, both setting a duration of no more than six years with a limited exception to be made for hydro-electricity generation activities from Policy 10A.2.3. There are no exceptions made to permits covered by policy 10A.2.2.

[245] We would approve the wording of these policies and do so taking into consideration our findings in relation to submissions:

(a) seeking to reject PC7;
(b) to provide an alternative policy pathway for long-term consents;
(c) to provide a permitted activity rule,
(d) having considered s 128 RMA;
(e) Annexure 4: Water Quality; and
(f) Annexure 5: Water Quantity.

[246] We discuss elsewhere the exception from Policy 10A.2.3 made for hydro-electricity generation.

Decision – should there be any policy to inform consideration of a non-complying activity application?

[247] The notified version of the plan change had a policy attempting to describe a non-complying activity this way:[292]

> 10A.2.3 …. for a duration of no more than six years, except where Rule 10A.3.2.1 applies and:
>
> (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
>
> (b) The resource consent granted will expire before 31 December 2035.

[248] The drafting of the policy proved discombobulating, and we were not surprised that planners found it taxing to conceive of activities that might justify an exception to the duration policies.

[249] It is unusual (in our experience) to have policies specifically pertaining to non-complying activities. The amendment of the policy to remove the description of potential qualifying non-complying activities is approved. We leave the 'avoid' or 'not grant' duration policies intentionally directive to limit the use of the non-complying pathway.

Rules

Controlled activity rule

[250] The controlled activity (10A.3.1.1) is the most straightforward consenting pathway, with the Regional Council required to grant consent with a six-year term and only able to look at a limited number of matters in processing the application.

---

[292] PC7, Policy 10A.2.3 (notified version).

The Regional Council proposed, and parties supported, the amendment to exclude controls conferring discretion upon the Council in respect of a range of environmental methods.[293]

[251] To qualify as a controlled activity the entry conditions set out in the rule must be met. An application for resource consent under this rule is to be processed without public or limited notification. To take advantage of this rule it is anticipated that most, if not all, applications for water permits currently lodged with the Regional Council, will need to be amended.

[252] Several entry conditions to the rule were robustly contested, namely:

(i) the limitation on consent duration of no more than six years;
(ii) the restriction on land area under irrigation and secondly, the date reference used to determine the area;
(iii) the relevant period to determine the historical instantaneous take and volume;
(iv) stranded assets; and
(v) deemed permits.

The limitation of consent duration to no more than six years

[253] Many submitters sought to amend Rule 10A.3.1.1 to increase the duration of consent.[294]

[254] Related submissions include:

(i) rejecting the plan change;
(ii) amending the plan change to include a rule that the taking and use of water is a permitted activity;

---

[293] De Pelsemaeker, supplementary evidence dated 14 March 2021.
[294] A summary of submissions made is set out in De Pelsemaeker, EiC at [218]-[233].

(iii) amending the plan change to include a policy pathway for consents exceeding six years.

[255] The court cannot simply amend a rule to provide for a longer duration. Section 67 RMA is clear: rules are to implement policies. The notified plan change does not contain supporting policies and it was for this reason that other parties proposed a policy pathway for consents exceeding six years (addressed elsewhere).

The restriction on land area under irrigation and secondly, the date reference used to determine the area

[256] The submissions on the restriction on area of irrigable land have been addressed under the relevant policy. The control on land area is to discourage further investment in irrigation expansion.

[257] We have not accepted the related submission that the consent authority instead rely on s 128 of the Act to bring consented activities in line with the new plan. As is their right, given the cost of irrigation infrastructure we anticipate many permit holders will oppose any review of consent conditions. That said, the state of water quality in the region,[295] and uncertainty around availability of water quantity to meet demand, justify the retention of the control and discouragement of expansion.

The relevant period to determine the historical instantaneous rate of take and volume

[258] Submitters raised cogent reasons to amend the date period in the notified version of the plan change when determining the historical instantaneous take and volumes. The effect of this rule would be to reduce the rate of take and volume on reconsenting and the implications of this are set out in the introductory paragraphs to the Primary Sector section of this decision.

---

[295] Annexure 4: Water Quality.

[259] The date range of 1 July 2012 – 30 June 2017 is to be deleted and the provision amended to allow consideration of all water years[296] for which water meter data is available up until 30 June 2020. For some but not all activities, this aligns the date range with the requirements to meter water takes pursuant to the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (amended 2020).[297] There is an exception for situations where metering is not required by conditions of a resource consent or the regulations, with the rate and volume sought to be within the terms of the existing consent. Schedule 10A.4 has also been amended to bring it into line with the controlled activity entry conditions by not allowing calculations to include dates for water years past 30 June 2020.

Stranded assets

[260] Provision for stranded assets within this rule is discussed elsewhere in the decision.

Deemed permits

[261] Provision to retain within this rule flow-sharing between former holders of deemed permits is discussed elsewhere in this decision.

Matters over which the Regional Council reserves control

[262] The court finds that carrying through existing consent conditions in the way proposed, achieves a straightforward controlled activity consent pathway that rolls over checks on an existing consent.

---

[296] A water year is defined as the period 1 July to 30 June.
[297] ORC, opening submissions at [133].

General comment on interpretation of rules

[263] The same entry conditions apply to Rules 10A.3.1.1 and 10A.3.1A.1. These are:

> "Despite any other rule or rules in this Plan:
> (a) any activity that is currently authorised under a deemed permit; or
> (b) the take and use of surface water … that is currently authorised by an existing water permit where that water permit expires prior to 31 December 2025".

[264] The reservation of control/restriction of discretion in both rules talk about "existing water permit conditions". For avoidance of doubt, the phrase "existing water permit conditions" is to be interpreted as applying to **both** deemed permits <u>and</u> existing water permits expiring prior to 31 December 2025.

[265] The rule that applies to hydro-electricity generation activities (Rule 10A.3.1B.1), only applies to deemed permits. We have proposed an amendment to the rule to standardise the language.

[266] The use of different terms also arises in relation to Schedule 10A.4. The activities to which the Schedule applies are listed in the entry conditions to the controlled activity rule, however the Schedule uses generic terms such as 'consents' and 'permits'. To make the interpretation of the Schedule clear, an amendment has been proposed.

Decision – a new restricted discretionary activity rule (Rule 10A.3.1A.1)[298]

[267] A new restricted discretionary rule is proposed to be added to the plan change.

---

[298] 12th JWS dated 12 July 2021.

[268] No party opposed a new restricted discretionary activity consent pathway for those activities that comply with the entry conditions for a controlled activity (except conditions (iv) rate of take based on water meter data and (vi) volume of water based on water meter data – with both calculated in accordance with the methodology in Schedule 10A.4).

[269] We accept reasons put forward by parties in support of the restricted discretionary activity rule.[299]

Stranded assets

[270] Provision for stranded assets within this rule is discussed elsewhere in this decision.

Deemed permits

[271] Provision to retain within this rule flow-sharing between former holders of deemed permits is discussed elsewhere in this decision.

Decision – should all consent applications proposing a duration exceeding six years be a non-complying activity?

[272] PC7, as notified, provides that applications for new water continue to be assessed in accordance with the provisions in Chapters 5, 6, 12 and 20 of the operative regional plan, except that the duration of any water permit will be determined in accordance with the policies in Chapter 10A. Fish and Game proposes[300] a new rule to make all applications for resource consent to take or use new water for a duration of more than six years, a non-complying activity.

---

[299] See 4th JWS dated 7-8 April 2021; 5th JWS dated 4-6 May 2021 and 12th JWS dated 12 July 2021.

[300] Fish and Game (submission 70045); Farrell, supplementary evidence at [5c] and [19].

[273] The policy on duration for permits covered by Policy 10A.2.2 is very directive.[301] Accordingly, we do not find any need to add a rule as proposed by Fish and Game.

Decision – 10A.3.2 Non-complying activity: Resource consent required

[274] The non-complying activity is to have Rule 10A.3.1A.1 and Rule 10A.3.1B.1 added as a consequential amendment to the introduction of the new restricted discretionary activity rules with the effect that where the entry conditions for either controlled or restricted discretionary activities are not met, a non-complying activity application is required.

Decision – definitions

[275] The definitions of 'valid permit', 'mainline irrigation pipes' and 'take cessation condition' and the definitions that apply when replacing a deemed permit are accepted as adding clarity and certainty to the provisions of PC7.

Other drafting amendments

[276] We have also made other minor amendments to the PC7 provisions for clarity and consistency reasons, such as not using 'and/or'. All changes from the text in the provisions in the 12th JWS are tracked.

---

[301] That is in stark contrast to Policy 6.4.19 that has an explanation that does not reflect the policy and that decision-makers have read into the policy in decision-making.

Hydro-electricity generation

[277] At issue is whether hydro-electricity generation activities are to be treated on the same footing as other activities that also take and use water.

National Policy Statement for Renewable Electricity Generation 2011

[278] The matters of national significance to which this NPS applies are:

(a) the need to develop, operate, maintain and upgrade renewable electricity generation activities ('renewables') throughout New Zealand; and

(b) the benefits of renewable electricity generation.

[279] The sole objective of the NPS-REG 2011 is to recognise the national significance of renewables by providing for development, operation, maintenance, and upgrading of new and existing renewable activities. This is with the outcome that the proportion of electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national targets for generation.[302]

[280] Regional policy statements and regional and district plans are to include provisions for new and existing hydro-electricity generation activities.[303] To the extent applicable to Otago,[304] this entails decision-makers recognising and providing[305] for the national significance of renewables, including the following benefits:

---

[302] NPS-REG 2011, Objective.

[303] NPS-REG 2011, Policy E2 Hydro-electricity resources.

[304] NPS-REG 2011, Policy E2 Hydro-electricity resources.

[305] Ministry for the Environment *National Policy Statement for Renewable Electricity Generation 2011: Implementation Guide* (Ministry for the Environment, Wellington, 2011) at 8 states 'recognise and provide for' means actual provision must be made for the matter in the planning documents.

Policy A

(a) maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;

(b) …

(c) using renewable natural resources rather than finite resources;

(d) …

(e) avoiding reliance on imported fuels for the purposes of generating electricity.

[281] Decision-makers are to have particular regard[306] to:

Policy B

(a) maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and

(b) …

(c) …

[282] The national significance of renewables and the benefits of renewable electricity generation are also acknowledged in the NPS-FM 2020 through its policy on climate change.

National Policy Statement for Freshwater Management 2020

[283] Te Mana o te Wai, which is relevant to all freshwater management,[307] imposes a hierarchy of obligations which prioritises first, the health and well-being of water bodies and freshwater ecosystems.[308] The other priorities are second, the health needs of people, and third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

---

[306] Ministry for the Environment *National Policy Statement for Renewable Electricity Generation 2011: Implementation Guide* (Ministry for the Environment, Wellington, 2011) at 8 states the duty to 'have particular regard' is one of inquiry. The decision-maker must give the identified matter(s) genuine attention and thought and weigh them carefully in coming to a conclusion.

[307] NPS-FM 2020, cl 1.3(2).

[308] NPS-FM 2020, cl 1.3(5).

[284] These priorities are carried forward into the national policy statement's objective and policies;[309] policies implementing the objective include managing freshwater as part of New Zealand's integrated response to climate change.[310]

[285] We return briefly to the preamble of the NPS-REG 2011 to note the statement that the national policy statement does not apply to the allocation and prioritisation of freshwater. While the Environment Court was not dealing with a national policy statement for fresh water, we respectfully agree with the court's observations in *Carter Holt Harvey Ltd v Waikato Regional Council*[311] as to the practical effect of the statement in the preamble:

> … the National Policy Statement [for Renewable Electricity Generation] should not be used to justify always giving hydro-electricity generation activities priority when making freshwater allocation decisions. It envisages that there may be circumstances where this will not be appropriate and should not occur.

The current relevance of this statement is reinforced by the objectives and policies of the NPS-FM 2020.

Regional Policy Statement (RPS)

[286] PC7 is also to give effect to the partly operative regional policy statement; the latter instrument regrettably doing little by way of fleshing out the national policy statements.

[287] For energy resources and supplies to be secure, reliable and sustainable,[312] the generation output of existing regionally significant renewables is to be protected by, *inter alia*, recognising their functional needs, including resource

---

[309] NPS-FM 2020, cl 2.1 and 2.2 Policy 1.

[310] NPS-FM 2020, cl 2.2 Policy 4. While the Clutha Scheme is located in Otago, no submission on PC7 was made by the scheme operators and we have not had regard to the policy that applies to large HEG schemes (NPS-FM 2020, cl 3.31).

[311] *Carter Holt Harvey Ltd v Waikato Regional Council* [2011] NZEnvC 380 at [58]-[59].

[312] RPS, Objective 4.4.

needs.[313,314] This is not to suggest that the environment will always give way to hydro-electricity generation on reconsenting. That would be inconsistent with the direction in the NPS-FM 2020 and also the regional policy objective that infrastructure is managed and developed in a sustainable way.[315] That aside, the policy statement provisions on climate change are that communities are prepared for and able to adapt to the effects of climate change and, in the context of PC7, the encouragement of system resilience is relevant.[316]

Proposed Otago Regional Policy Statement (ORPS)

[288] Finally, we have had regard to the proposed policy statement.

[289] With one exception noted, 'renewable electricity generation', including hydro-electricity generation, is identified as being 'regionally significant infrastructure'.[317]

[290] Many of the significant resource management issues identified are applicable to renewable electricity generation, including hydro-electricity generation. While we do not set out all the issues here, the fact that climate change is likely to impact Otago's economy and environment is recognised as a significant resource management issue for the region going forward: 'Otago's climate is changing, and these changes will continue for the foreseeable future'. [318]

---

[313] RPS, Policy 4.4.3.

[314] For completeness, we record Policy 4.4.1 is concerned with the subject matter of renewable electricity generation, although this is to paraphrase the NPS-REG 2011 without further elaboration.

[315] RPS, Objective 4.3.

[316] RPS, Objective 4.2 and Policy 4.2.2.

[317] 'Renewable electricity generation' has the same meaning as in the Interpretation section of the National Policy Statement for Renewable Electricity Generation 2011 and is electricity from solar, wind, hydro-electricity, geothermal, biomass, tidal, wave, or ocean current energy sources. 'Regionally significant infrastructure' means renewable electricity generation facilities that connect with the local distribution network but not including renewable electricity generation facilities designed and operated principally for supplying a single premise or facility.

[318] ORPS, SRMR–I2.

[291] While all provisions in the IM-Integrated Management section are relevant, there are detailed provisions about climate change.

[292] The proposed policy statement's objectives include that Otago's communities and economy are supported by renewable energy generation that is safe, secure, and resilient.[319] Noting its contribution to meeting New Zealand's national target for renewable electricity generation, an outcome of the proposed policy statement is that generation capacity is to be maintained and, if practicable, maximised within environmental limits.[320]

[293] Of undoubted importance to a future regional plan, are policies that require decisions on the allocation and use of fresh water and development of land to first, recognise the national, regional and local benefits of renewables and second, take account of the need to maintain renewable electricity generation capacity.[321]

[294] That said, renewables are not given a free pass on their effects on the environment; the effects associated with the operation and maintenance of existing renewables are to be minimised.[322]

Should there be a special regime for the renewal of specific deemed permits authorising hydro-electricity generation activities?

[295] Submitters who either hold or may hold relevant permits for hydro-electricity generation activities are the following:

(a) Pioneer Energy Ltd;
(b) Mount Earnslaw Station; and
(c) Trustpower Ltd.

---

[319] ORPS, EIT–EN–O1 – Energy and social and economic well-being.
[320] ORPS, EIT–EN–O2 – Renewable electricity generation.
[321] ORPS, EIT–EN–P2 – Recognising renewable electricity generation activities in decision-making.
[322] ORPS, EIT–EN–P1 – Operation and maintenance. See also, EIT–INF–O4 – Provision of infrastructure and EIT–INF–P10 – Recognising resource requirements.

Pioneer Energy Ltd

[296] Submissions on the topic of renewable activities were received from Pioneer Energy Ltd seeking by way of relief to either reject PC7 or alternatively, exclude deemed permits for damming activities and associated infrastructure from its provisions. Pioneer Energy generates electricity from water stored at Frasers Dam and elsewhere.[323] While not entirely clear, other than for the Upper Roaring Meg Dam,[324] it does not appear that Pioneer Energy holds permits for damming activities, but rather is potentially affected by decisions in respect of applications to reconsent the same. Therefore, while Pioneer Energy is a generator, its submission has been considered in the Dams section of this decision.

Mount Earnslaw Station

[297] Mount Earnslaw Station is generating electricity from stored water. No water is used for irrigation and all water is returned to the catchment. The permit holder wishes their activity to be considered separately from permits associated with the take and use of water for irrigation.[325] This relief differs from the original submission on the plan change which was to reject PC7. That said, the consultancy representing Mount Earnslaw did not propose wording for the alternative relief for a separate consenting pathway.[326] The court directed the Regional Council's policy planner to give further consideration to Mount Earnslaw's circumstances[327] and this was done in the 11th JWS, although again – no provisions were

---

[323] While Pioneer Energy submission does not identify other locations in which the generator is operating, we were told by other witnesses that it was also generating electricity in association with the Falls Dam, Manuherekia River.

[324] Curran, supplementary evidence dated 14 May 2021, Table at p 3.

[325] Transcript Cromwell WKS 4/5 (Perkins) at 123-124. We note that the relief supported by Ms Perkins differs from the original submission where Mount Earnslaw sought the plan change be rejected.

[326] Transcript Cromwell WKS 4/5 (Perkins) at 122-124.

[327] Transcript Dunedin WKS 9/10 (De Pelsemaeker) at 348.

recommended.[328] The Regional Council's lawyer also turned his mind to the issue, but he found he had insufficient information to proceed further.[329]

[298] We have taken this matter as far as we can and in the absence of any proposed provisions, the plan change is to apply to any application lodged by Mount Earnslaw Station to reconsent permits pertaining to its hydro-electricity generation activity.

Trustpower Ltd

The Waipori and Deep Stream Schemes

[299] Trustpower's Waipori hydro-electricity generation Scheme was commissioned in 1907 to provide power to Dunedin with the Deep Stream Scheme being added in 2008.

[300] Currently there are around 100 deemed permits for the Waipori Scheme. Replacement consent applications have been filed with the Regional Council by Trustpower for seven of these deemed permits, all associated with the four water races. Trustpower advised that it would not be seeking replacement consents for the remainder of its deemed permits (totalling around 90 permits) all of which expire in October 2021. Trustpower advises that none of its deemed permits are subject to rights of priority.[330]

Background to Trustpower's position and updated relief being sought

[301] Trustpower submitted on the plan seeking to limit the application of Policy 10A.2.2 to irrigation activities and secondly, to enable the reconsenting of water permits for hydro-electricity generation activities. The rationale for seeking this relief is that Trustpower needs certainty that it can continue to operate its schemes

---

[328] 11th JWS dated 5 July 2021.
[329] Transcript Dunedin WKS 9/10 (Maw) at 743.
[330] Joint memorandum dated 8 October 2021 at [2].

after six years and secondly, the provisions on short duration impact investment decisions around new development and maintenance/enhancement of existing schemes.[331] We have found elsewhere, the court does not have jurisdiction to grant aspects of Trustpower's amended relief.[332]

[302] In its submission on the plan, Trustpower sought to enable hydro-electricity generation activities in general; in amended relief Trustpower confined its relief to specified schemes.[333] Trustpower proposed amended relief on four occasions; on three occasions through their planning witness Ms S Styles,[334] and the fourth through counsel's closing submissions which, because it was advanced in a closing submission, was not subject to any testing through examination nor assessment under s 32AA.[335]

[303] Counsel for Trustpower and the Regional Council subsequently conferred on the plan change provisions and counsel for Regional Council sought to advance a fifth amended relief.[336] We will refer to this draft as the '7 July hand-up'.

7 July Hand-up

[304] The 7 July Hand-up proposed substantive amendments to the objective, policies and rules that are of relevance to TAs, Trustpower and to those parties interested in the topic of stranded assets. Drafted by counsel, the relief had not been properly evaluated by the Regional Council's policy planner, Mr De

---

[331] Foran, EiC dated 5 February 2021 at [6.11]-[6.16]; Styles, EiC dated 5 February 2021 at [6.6], [6.8].
[332] Trustpower, closing submissions, original Annexure (B) Policy 10A.2.2. See Annexure 2: Scope Challenge.
[333] Namely, Waipori and Deep Stream Hydro-electric Schemes.
[334] Styles, EiC dated 5 February 2021; supplementary evidence dated 23 March 2021 and summary of evidence dated 17 May 2021.
[335] In Annexure 2: Scope Challenges we decided there is no scope for the court to consider the amendment to Policy 10A.2.2, wherein Trustpower in closing proposed there be no consideration of environmental effects for the first six years of a new activity. There is, however, scope to consider a general exemption of Trustpower's activities from Policy 10A.2.2 and Policy 10A.2.3.
[336] Transcript Dunedin WKS 9/10 (Maw) at 604.

Pelsemaeker, or sighted by its regulatory and consents witness, Ms King.[337] And again, its provisions were not assessed under s 32AA.

[305] We do not recall whether counsel for the Territorial Authorities was involved in its drafting, but plainly other counsel in the courtroom that day were not and reservations were raised about potential prejudice.[338] We will treat the 7 July hand-up as the Regional Council's statement of position on these important topics.[339]

Regional Council's planning evidence

[306] Mr De Pelsemaeker did not support amending the plan change to make specific provision for renewables, although he remained open to evidence persuading him to a contrary view.[340] The last comprehensive opinion given by Mr De Pelsemaeker on the topic of renewables is in his evidence-in-reply where he confirms his earlier view emphasising the failure by the regional planning documentation to give effect to either the NPS-FM or NPS-REG means reliance on the operative policy statement and regional plan to make long-term decisions on consenting renewables is fraught with difficulty.[341]

[307] While Mr De Pelsemaeker remained of the view that all hydro-electricity generation activities should be of limited duration (i.e. six years),[342] in relation to Trustpower's activities he said:[343]

---

[337] Transcript Dunedin WKS 9/10 (Maw) at 584-585.

[338] Transcript Dunedin WKS 9/10 (Winchester) at 614.

[339] See transcript Dunedin WKS 9/10 (Maw) at 583 where he says the provisions would, in the ordinary course, have been attached to his submissions but on this occasion, he had tabled them in advance.

[340] De Pelsemaeker, EiC dated 7 December 2020 at [349]-[356].

[341] De Pelsemaeker, reply (June) at [47].

[342] De Pelsemaeker, reply (June) at [49] & [56].

[343] De Pelsemaeker, reply (June) at [51]-[53]. In Appendix 5 to his reply, he identifies and evaluates four options that emerged in evidence during the hearing.

> [51] ….
>
> (a) …
>
> (b) The efficacy of PC7 to bring the management of the Waipori and Deep Stream HEG Schemes in line with the management regime in this new regional planning framework is conceivably constrained. This is because the activities that are currently authorised by the deemed permits that Trustpower is seeking to replace are functionally connected to other aspects of these schemes authorised by a wider suite of consents that will not expire until 2038.
>
> [52] For a variety of reasons the Environment Court may be minded to adopt a different position with regard to the management of (some) HEG schemes from the one stated [that was not to provide for any specific relief for hydro-electricity generation activities]. If that is the case, an alternative option would be to amend PC7 to include a new DA rule for takes and/or uses of water authorised by deemed permits associated with the operation of the Waipori and Deep Stream HEG Schemes only for a term that (better) aligns with the expiry dates of other consents authorising the operation of these schemes.
>
> [53] This alternative option could, depending on the exact consent duration provided for, incentivise accelerating the timing of applying for resource consents to replace existing permits currently authorising other aspects of the Waipori and Deep Stream HEG Schemes. For example, allowing the replacement consents to be granted for a period up to 31 December 2035 could act as an incentive for Trustpower to apply for a full suite of new resource consents for the operation of the Waipori and Deep Stream HEG Schemes within the lifespan of the new regional planning framework.

[308] Mr De Pelsemaeker helpfully proposed provisions which could apply were the court minded to exclude Trustpower from the policies on duration. He was not cross-examined in respect of his proposed wording.

Position of the Regional Council

[309] In closing, counsel for the Regional Council indicated his client would support a restricted discretionary activity pathway on the basis that new and replacement consent applications limit the consent duration to 31 December 2035 rather than 31 May 2038. Applications for new activities would continue to be assessed under the provisions of Chapters 6, 12 and 20 of the regional plan.[344] The Regional Council takes this position to ensure that Trustpower's permits align with the 10-year term of the new regional plan and that the volume and rate of take is in accordance with historical use, and finally that the effects on the environment are taken into account.[345]

[310] As noted above, the Regional Council's position differs from its policy planner, Mr De Pelsemaeker, insofar as he does not support any consents exceeding a six-year duration.

Position of other parties

[311] The Minister for the Environment supported,[346] and Forest and Bird did not oppose, the latest relief proposed by Trustpower.[347]

[312] Ngā Rūnanga's position was that there should be no exceptions made to the six-year duration for new or replacement consents.[348] Terms extending well into and beyond the lifetime of the new regional plan would undermine the significant effort and engagement that is currently occurring between Ngā Rūnanga and ORC, undermine Treaty principles and also undermine the ability of Kāi Tahu to exercise rakatirataka and kaitiakitaka.[349] We will not comment on the

---

[344] ORC, closing submissions at [155].
[345] ORC, closing submissions at [154]; transcript Dunedin WKS 9/10 (Maw) at 743-744.
[346] MfE, closing submissions dated 5 July 2021 at [30]-[35].
[347] Forest and Bird, closing submissions dated 2 July 2021 at [20].
[348] Ngā Rūnanga made further submissions in response to Trustpower's submission on the plan change.
[349] Ngā Rūnanga, closing submissions dated 5 July 2021 at [28(d)].

relationship between the Regional Council and Ngā Rūnanga. But, for the reasons that we have given, we accept that the regional plan does not enable the proper consideration of Ngā Rūnanga's interests and values in the consenting process.

[313] Fish and Game's position is that until there is more detailed national direction beyond the NPS-REG 2011 as to how renewable energy is to be weighted, there was no justification for treating hydro-electricity generation activities any differently in PC7. That is, the six-year term in PC7 should also apply to the take and use of water for renewable activities.[350]

Consideration

[314] The national significance of renewable electricity generation activities and the benefits of generation are not in dispute; nor is the contribution of hydro-electricity to generation capacity in the attainment of NPS-REG's objective.

[315] Many of the issues raised by Trustpower in its submission on the plan change are resolved through amendments to be made to Policy 10A.2.1, Rule 10A.3.1.1 (for controlled activities) and Schedule 10A.4.[351] However, Trustpower would have the plan change go further.

[316] Broadly speaking, the options being pursued by the various parties interested in this topic are as follows:

> **Option 1:** approve PC7 policies without amendment. The consent authority will only grant consent for all renewable activities for a duration of six years;
>
> **Option 2:** exclude all hydro-electricity generation activities from PC7's policies on duration and consider the duration of these activities under Policy 6.4.19 of the regional plan. Include a discretionary activity rule for

---

[350] Fish and Game, closing submissions dated 5 July 2021 at [18]-[22].
[351] De Pelsemaeker, reply at [39] and Styles, summary of evidence at [5].

replacement activities. [352]

Option 3: amend Policies 10A.2.2. and 10A.2.3 to create an exception for Trustpower's hydro-electricity generation activities enabling a grant of consent for a duration up to 2035 or 2038 and amend PC7 to include a restricted discretionary activity rule. [353, 354]

[317] We do not have copies of Trustpower's deemed permits in evidence but our experience with other such permits would indicate that it is unlikely these permits will be subject to conditions managing the effect of the taking and use of water. As planning evidence led on behalf of Trustpower does not address the operative regional plan, we do not know whether there are provisions in that plan for renewable activities. Our perusal of the plan would suggest not. The salience of this being that Chapter 6 of the operative regional plan provides weak direction on the outcomes for water quality and quantity, with little or no regard being paid to associated land uses.

[318] As directed by the NPS-FM 2020, the regional plan has now been amended[355] to insert:

(a) the objective in NPS-FM cl 3.26(1) (fish passage) as new Objective 8.3.5;
(b) the policy in NPS-FM cl 3.22(1) (natural inland wetlands) as new Policy 5.4.2A; and
(c) the policy in NPS-FM cl 3.24(1) (rivers) as new Policy 10.4.8.

[319] While these are important provisions, no party advances the proposition that they cover the field in terms of actual and potential effects of hydro-electricity generation activities. These provisions do not implement the concept of Te Mana

---

[352] Styles, summary statement dated 17 May 2021.
[353] Trustpower, closing submissions, Annexure B.
[354] The '7 July Hand-up'.
[355] ORC, closing submissions at [24].

o te Wai specifically nor NPS-FM 2020 generally; this is to be done through the proposed policy statement and a new regional plan.

[320] Recalling the significant resource management issues that PC7 is to address, two issues stand out for hydro-electricity generation activities:

(i) the original authorisation to take and use water will not have prioritised first the health and well-being of water bodies and freshwater ecosystems; and
(ii) the current planning framework does not give effect to the objectives and policies of the NPS-FM 2020.

[321] Earlier we accepted Ms McIntyre's criticism of the regional plan's provisions, and in this context we add:

(a) the regional plan does not give effect to the NPS-FM 2020 or its predecessors;
(b) to the extent that it can be said that the regional plan has a planning paradigm, it is opposed to Te Mana o te Wai as expressed in cl 1.3 of NPS-FM 2020 (concept and framework);
(c) Te Mana o te Wai is not an integral part of freshwater management in Otago;
(d) the regional plan's weakly drawn objectives provide no direction on outcomes for the environment (people and communities included) and do not prioritise the health and well-being of water. There is, we find, a weighting towards abstractive uses through its policies and rules;
(e) an issue for Ngā Rūnanga is that their cultural values are recognised by giving effect to Te Mana o te Wai in the regional planning documents. Put another way: Te Mana o te Wai is both a value in itself and a concept under the NPS-FM. This is in contra-distinction

with Trustpower's case which promotes the outmoded[356] line of inquiry as to the effect on cultural values from the taking and use of water in a consenting process;

(f) under Te Mana o te Wai the choice between the health and well-being of water bodies and freshwater ecosystems on the one hand and the health needs of people or their social, economic and cultural well-being on the other, is a false dichotomy.

[322] There are, however, two national policy statements and, as we have noted, the national significance of renewable activities and the benefits of renewable electricity generation are acknowledged in the NPS-FM 2020 through its policy on climate change. The NPS-FM 2020 objective is implemented by 15 policies, one of which is that freshwater is managed as part of New Zealand's integrated response to climate change (Policy 4). While we do not discuss his evidence in detail, we have borne in mind Dr M Salinger's evidence (Wise Response) on climate change and the likelihood of New Zealand's domestic policy settings changing following COP26, UN Climate Change Conference.[357]

[323] We find a case has been made out under the higher order planning documents for exempting the reconsenting of Trustpower's deemed permits from the policy on duration (Policy 10A.2.3). The maintenance of renewable electricity generation activities is a matter of national significance. NPS-REG 2011 policies and the policies in the operative and proposed policy statements recognise the maintenance of generation capacity.[358]

---

[356] Outmoded in relation to the NPS-FM 2020 and its predecessors as it puts abstractive uses to the forefront of discussion and decision-making and not the health and well-being of water bodies and freshwater ecosystems.

[357] COP 26, UN Climate Change Conference hosted by the UK in partnership with Italy, from 31 October 2021.

[358] ORPS, EIT-EN-O2 – Renewable electricity generation and EIT-EN-P2 – Recognising renewable electricity generation activities in decision-making. RPS, Objective 4.4, Policy 4.4.3 and 4.4.1.

[324] The environment is already impacted by Trustpower's activities; in order to be reconsented Trustpower will need to satisfy the consent authority that it will take practicable steps to remedy and mitigate those effects. The Regional Council may review those consents under s 128 of the Act if a new regional plan sets maximum or minimum levels of flows, rate of take or minimum standards of water quality. We will not approve the directions sought by Trustpower in relation to ss 95A and 95B concerning notification of an application for consent as we were not satisfied that the evidence led demonstrated this is appropriate.

[325] The duration of consents replacing Trustpower's deemed permits are not to extend beyond 31 December 2035. Trustpower proposed a longer duration[359] to coincide with the expiry date for other permits for the scheme. Trustpower is not proposing the longer duration for mere convenience as there is sense in bundling the activities and considering them in the round. We accept, however, the Regional Council's submission that Trustpower's renewable activities should be reconsidered under the future regional plan rather than being put off.

Other amendments proposed

[326] We find against Option 2 which is to determine the duration in accordance with Policy 6.4.19 of the Regional Plan.[360] The policy and the explanation to the policy are not consistent, a fact that the consent authority may have overlooked when applying this policy.

[327] With the above findings in mind, we turn to the drafting of the provisions.

---

[359] 31 May 2038.

[360] Trustpower, closing submissions, Annexure B.

Amendments to the provisions

Objective 10A.1.1 and Policy 10A.2.2

[328] No changes are made to Objective 10A.1.1 or Policy 10A.2.2.

[329] Given the paucity of policy in the regional plan we will not amend Policy 10A.2.2 to allow Trustpower to seek longer-term consents for activities that have not been previously authorised. This means, Policy 10A.2.2 applies without amendment to its 'Black Rock Race' application for resource consent.[361]

Policy 10A.2.3 and rule

[330] Having considered the options put forward in evidence, the court proposed a draft amendment to Policy 10A.2.3 and a new restricted discretionary activity rule and sought the parties' comment. [362] As no issues were raised in relation to the same, we approve of the exception to Policy 10A.2.3 for hydro-electricity activities listed in Schedule 10A.5.1 and approve a restricted discretionary activity rule (Rule 10A.3.1B.1). The wording is set out in Annexure 8: Plan Change 7 Provisions.

[331] Policy 10A.2.3 is to be amended by providing for the following exception:

(xx) where the take and use of water replaces a Deemed Permit associated with hydro-electricity generation infrastructure listed in Schedule 10A.5.1 and the applicant takes practicable steps to remedy or mitigate any adverse effects on the environment arising from the activity.

---

[361] The intake coordinates for Black Rock Race are set out in the Joint Memorandum 'Regarding Trustpower Intake Coordinates' dated 9 July 2021.

[362] Minute 'Trustpower' dated 1 October 2021 and Joint memorandum 'Trustpower' dated 8 October 2021.

[332] The exception to Policy 10A.2.3 is to apply to the four races listed in Schedule 10A.5.1 and the matters of discretion are to inform decision-making on duration.

Territorial Authorities

Introduction

[333] We have examined the different outcomes supported by the Territorial Authorities, paying close attention to the wording of the relevant provisions in the national policy statements on which they rely.

[334] The Territorial Authorities submit PC7 is inconsistent with:

(a) the NPS-FM, Objective 2.1(b) – the health needs of people;
(b) the NPS-UD 2020; and
(c) the partly operative RPS.[363]

[335] They say they will be *inhibited* from fulfilling their statutory obligations unless they are granted long-term water permits for community water supplies.[364] They submit long-term consents are essential for continuity of water supply to the community, to support forward planning and in order for Territorial Authorities to have the confidence to make significant financial investment in infrastructure.[365] By way of relief, the Territorial Authorities seek community water supplies be either excluded from PC7 and left to be comprehensively addressed under a future regional plan[366] or alternatively, PC7 is amended to include an opportunity to gain long-term permits for new and replacement consents.[367]

---

[363] Territorial Authorities, opening submissions at [54]. At [7] of the opening submissions the Territorial Authorities submit PC7 *prevents* them from satisfying their obligations under these planning instruments.
[364] Territorial Authorities, opening submissions at [8], transcript Cromwell WKS 4/5 (Twose) at 338-339, 368.
[365] Territorial Authorities, opening submissions at [5], [91]; transcript Cromwell WKS 4/5 (Twose) at 338-339, 368; DCC, original submission on PC7 at [15]-[18].
[366] 3rd JWS, Community Water Supplies, Schedule 10A dated 31 March 2021 at [30]. Twose, EiC dated 5 February 2021 at [7].
[367] Territorial Authorities, legal submissions 'setting out options for position on evolved relief for community water supplies' dated 5 July 2021.

[336] Elaborating, Ms J Muir[368] and Ms J McGirr[369] gave evidence addressing water permits granted to authorise the take and use of water for community water supplies. These water permits together with their conditions are regarded as input parameters for a supply scheme design, with design of water supply infrastructure commencing before the application for a water permit is lodged,[370] and continuing after the grant is issued.[371] The Territorial Authorities are concerned that in six years' time, if the permits are not reconsented on the same conditions or if the permits are reviewed by the Regional Council under a future regional plan, they may need to redesign (if not yet constructed) or retrofit the take and distribution infrastructure. Worse still, some schemes may simply become 'stranded'.[372]

[337] At the hearing's conclusion, the Regional Council had amended its position and supported an exception from the policies on duration for replacement consents.[373] It was the Territorial Authorities' case, however, that if approved PC7 may cause District Councils to defer necessary upgrades rather than risk incurring additional costs[374] and they pursued an exception for both new and replacement consents.

What is a community water supply?

[338] The term *community water supply* is not defined in the regional plan or this plan change.

[339] The Territorial Authorities distribute water that has been treated to potable

---

[368] Central Otago District Council, Infrastructure Manager.
[369] Queenstown Lakes District Council, Environmental Manager – Infrastructure.
[370] Transcript Cromwell WKS 7/8 (Muir) at 527 – water supply schemes do not require discharge permits or land use consents.
[371] Transcript Cromwell WKS 7/8 (Muir) at 529. Ms McGirr, EiC dated 4 February 2021 at [32]-[34].
[372] Muir, EiC dated 8 April 2021 adopting the evidence of P R Greenwood dated 4 February 2021 at [31]. McGirr, EiC at [32]-[34].
[373] Transcript Dunedin WKS 9/10 (Maw) at 720ff esp. 724.
[374] Muir, EiC dated 8 April 2021 adopting the evidence of P R Greenwood dated 4 February 2021 at [31]. McGirr, EiC at [32].

standard for use in the community via its infrastructure.[375] Potable water is supplied to all sectors within the community[376] as well as for human consumption.[377]

[340] Central Otago District Council's water metering records provide a good illustration of the different types of uses for which water is supplied. This is the only district metering water supply with data to draw upon. The District Council supplies water to Alexandra and Clyde. Of the water taken for supply, 30- 38% is lost from the scheme.[378] The balance is supplied for a wide range of uses, 42.9% of which is residential. Urban growth is predicted to increase residential use to 54.6% of water distributed by 2034/2035. This increase could be met from the consented volumes.[379] While supplying water for a wide range of uses, these do not include dairying, forestry, mining or pastoral uses.

[341] By way of contrast, 80% of the water distributed through the Bruce Water Supply by the Clutha District Council is to the primary sector, being stock water and water for dairy shed wash down. The balance is supplied to residential properties.[380]

[342] The final example comes from Dunedin City Council. Dunedin's water network supplies around 48,000 residences and 3,800 commercial properties. This network operates under 31 resource consents to take and use water which in combination (in 2016)[381] supplied adequate volumes of water to meet current

---

[375] Territorial Authorities, opening submissions at [26].
[376] Sectors meaning primary, secondary and tertiary sectors.
[377] Twose, EiC at [21], [49].
[378] Transcript Cromwell WKS 7/8 (Muir) at 513.
[379] Muir, supplementary evidence dated 12 May 2021, Appendix 4. Transcript Dunedin WKS 7/8 (Muir) at pp 512-514.
[380] Transcript Cromwell WKS 4/5 (Heller) at 283. The Bruce Water Supply is operated by the Clutha District Council. It is not clear whether this example is an outlier.
[381] Twose, supplementary evidence dated 29 March 2021 at Appendix 2: *Dunedin City Council Water Conservation and Management Plan 2017-2027*.

demands under normal operating conditions[382].

[343] The metropolitan scheme services 89% of Dunedin's residential water customers. Residential water use in 2016 accounted for about 57% of the total water taken, commercial and industrial use about 24%[383] with the balance of 19% being "unaccounted water".[384] At least 25% of total domestic usage is consumed by garden watering.

[344] Dunedin City Council has relatively low confidence in this data as only commercial/industrial sites and a small number of high occupancy residential properties have water meters with the majority of urban residential properties being exempt from having to meter. The City Council has not identified any proposals for new or replacement water take permits in its draft DCC LTP2021-2031 with all existing permits due to expire during the period 2036-2041.[385]

[345] This is context for the Territorial Authorities' submission that all water distributed through community water supply schemes is intended for human consumption.

What is drinking water?

[346] 'Drinking water' is defined in the Drinking Water Standards for New Zealand 2005, Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007 and the National Planning Standards. The definitions do not differ in any material respect and each have an element that drinking water means water intended to be used for human consumption.

---

[382] There is a requirement in some of these consents for a Water Conservation and Management Plan to be developed and implemented.
[383] Includes industry, farming, restaurants, hospitals, the university and schools (at [2.2]).
[384] Includes public and private leaks, fire-fighting, unauthorised connections, theft, un-metered commercial usage and network operations (at [2.2].)
[385] Twose, supplementary evidence 12 May 2021 at Appendix 3.

[347] All water distributed by the Territorial Authorities is treated to a potable drinking water standard. Therefore, they argue, the water is drinking water intended for human consumption.

[348] We find the Territorial Authorities' submission is a non-sequitur; it does not follow logically[386] and is unsupported by the Territorial Authorities' evidence on the uses of treated water. The problem lies (we think) with the Territorial Authorities' equation of the supply of treated water with the *purpose* for which water is supplied.[387] We find that while treated water supplied by the Territorial Authorities may be consumed by humans – the distributed water is after all potable – it does not necessarily follow that the Territorial Authorities supplied water that was intended solely for this purpose.

[349] We understand this submission is made to support the Territorial Authorities' case for a higher priority to be given fresh water relative to the needs for water by people and the community in general. This is a significant matter which may go to a view held by Territorial Authorities on different (competing) usage priorities. If this is the Territorial Authorities' thinking, then it is best understood in terms of Territorial Authorities seeking to manage risk around access to water at a time of uncertainty and likely change to Otago's planning environment. That being said, no evidence was led that the Regional Council would not prioritise the health needs of people, including their need for drinking water, as required by the NPS-FM 2020's sole objective – indeed the contrary is true.

[350] The importance to people and the community of the supply of water for a wide range of users is not in dispute and nor are the Territorial Authorities' statutory functions. We were referred to the Health Act 1956, Local Government

---

[386] Territorial Authorities, submissions dated 23 April 2021 [Territorial Authorities, supplementary submissions (April)] at [14]-[52].

[387] Territorial Authorities, opening submissions at [24]-[28]; Territorial Authorities, supplementary submissions (April) – entire submission.

Act 2002 and Civil Defence Emergency Management Act 2002 but having considered these we could not find support for the submission that all the water supplied is drinking water intended for human consumption.[388]

Resource Management Act 1991

[351] Notwithstanding their functions under other statutes, the RMA applies to Territorial Authorities with the effect that they are required to obtain water permits to authorise the taking and use of water.

National Policy Statement – Freshwater Management 2020

[352] The NPS-FM 2020's sole objective is directive – it is to "ensure" natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems;
(b) second, the health needs of people (such as drinking water); and
(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

[353] The objective is implemented through policies, Policy 1 being that "freshwater is managed in a way that gives effect to Te Mana o te Wai". Te Mana o te Wai "… recognises that protecting the health of freshwater protects the health and well-being of the wider environment …".[389] Te Mana o te Wai is relevant to all freshwater management[390] and must inform the interpretation of the NPS-FM 2020.[391]

[354] We observe that under Te Mana o te Wai the choice between the use of

---

[388] See Annexure 3: Legislation Relevant to Territorial Authorities.
[389] NPS-FM 2020, cl 1.3.
[390] NPS-FM 2020, cl 1.3.
[391] NPS-FM 2020, cl 3.2(4).

drinking water to provide for the health needs of people and protecting the health of fresh water is again a false dichotomy.

[355] The objective of the NPS is implemented by an integrated management approach,[392] of particular note is the direction that local authorities must:[393]

Clause 3.5 (1)(d)	encourage the co-ordination and sequencing of regional or urban growth.
Clause 3.5 (4)	Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

[356] The adoption of integrated management is also strong theme in the NPS-UD 2020.

National Policy Statement – Urban Development 2020

[357] The NPS-UD 2020 applies to all local authorities that have all or part of an urban environment within their district or region, and to local authority planning decisions.[394] The NPS-UD 2020, therefore, applies to the Otago Regional Council and the Territorial Authorities.

[358] While the NPS objectives and most policies are relevant, because the Territorial Authorities are concerned that PC7 *inhibits* them from fulfilling their statutory obligations, our focus is on pt 3: Implementation. The Territorial Authorities highlight that local authorities must provide sufficient development capacity to meet expected demand for housing and business land in the short,

---

[392] Including NPS-FM 2020, Policies 3 and 4.
[393] NPS-FM 2020, cl 3.5.
[394] NPS-UD 2020, cl 1.3.

medium and long term.[395] Development capacity is 'sufficient' when, amongst the matters, it is plan-enabled and infrastructure-ready.[396]

[359] Development capacity is plan-enabled for housing and business land in the short or medium term if, respectively, (a) it is on land zoned for these uses in an operative District Plan or (b) it is on land zoned for these uses under both the operative and proposed District Plans. Long-term, development capacity is plan-enabled when land for future urban use or intensification is identified in a Future Development Strategy.[397]

[360] Development capacity is infrastructure-ready if in the short term, (a) there is adequate existing development infrastructure[398] to support development of the land and (b) over the medium term either the existing development infrastructure is adequate or there is funding for infrastructure to support development of the land. Long term, development capacity is infrastructure ready when it is identified in the local authority's long-term plan.[399]

Short, medium and long term

[361] Short-term means within the next 3 years; medium-term means between 3 and 10 years and long-term means between 10 and 30 years.[400]

[362] Territorial Authorities and the Regional Council disagree on whether PC7 is a 'planning decision' for the purpose of NPS-UD 2020 and secondly, the relevance of the NPS provisions to our decision on PC7 or to an application for a water permit.[401] The Territorial Authorities argue the decision on consent duration

---

[395] Territorial Authorities, supplementary submissions (April) at [98], NPS-UD 2020, cl 3.1-3.3.
[396] NPS-UD 2020, cl 3.2 and cl 3.3.
[397] NPS-UD 2020, cl 3.4 (1). If not an FDS, then other relevant plan or strategy.
[398] NPS-UD 2020, cl 1.4, 'development infrastructure' includes network infrastructure for water supply, wastewater, or stormwater.
[399] NPS-UD 2020, cl 3.4 (2).
[400] NPS-UD 2020, cl 1.4 Interpretation.
[401] Territorial Authorities, supplementary submissions (April) at [104].

should be made at the time applications are considered and not pre-determined under the policies of PC7.[402] This way the merits of the application can be assessed in light of their obligations under the NPS-UD 2020.[403]

[363] The Territorial Authorities make this submission notwithstanding the opinion of their planning witness, Mr M Twose, that the operative regional plan is not fit-for-purpose for new and replacement community water supply permits either in respect of:

(a) water quantity; or
(b) the effects on water quality consequential upon the taking and use (including land uses).[404]

[364] Mr Twose did not contradict the Regional Council's case – that the operative policy statement and regional plan do not give effect to the NPS-FM 2020, NPS-UD 2020 or their predecessors.

Consideration

[365] We do not need to decide whether PC7 is or is not a 'planning decision'. National policy statements are to be given effect to through lower order planning instruments of regional and district councils.

[366] The direction that the Territorial Authorities 'must' provide for sufficient development capacity is an ongoing obligation. Development capacity is achieved through the provisions of the district plans in the short to medium term, with long-term intentions set out in the local authorities' Long-Term Plans. Except for Clutha District Council (whose situation is not known),[405] the Territorial

---

[402] Territorial Authorities, closing submissions at [60]-[61]; [81].
[403] Territorial Authorities, supplementary submissions (April) at [102]-[103].
[404] Twose, supplementary evidence dated 12 May 2021 ('Twose supplementary evidence (May)') at [19]-[21].
[405] The Clutha District Council did not provide evidence, as directed, on this matter.

Authorities:[406]

(a) confirm development capacity is infrastructure-ready;
(b) have not notified the Minister for the Environment of insufficient development capacity;[407]
(c) have yet to formally identify their urban environments;[408]
(d) where required, completion of their Future Development Strategy will be in time to inform 2024 Long Term Plan; and
(e) where required, the Housing and Business Development Capacity Assessment Strategy will be in time to inform 2024 Long Term Plan.

[367] Future Development Strategies (FDS) are to spatially identify broad locations in which development capacity will be provided over the long-term and in relation to which development infrastructure and additional infrastructures are required to support or service the same. The purpose of the FDS is, amongst other matters, to assist the integration of planning decisions under the RMA with infrastructure planning and funding decisions[409] and its strategies to be made available every six years, and in time to inform the long-term plan.

[368] The NPS-UD 2020 directs that the FDS **must** be informed by any relevant national policy statement (our emphasis) and by the Housing and Business Development Capacity Assessment.[410] The importance of this direction is spelled out in Ministry for the Environment and Ministry of Housing and Urban

---

[406] Twose, supplementary evidence (May) at Appendix 3.
[407] NPS-UD 2020 cl 3.7.
[408] Twose, supplementary evidence (May) at [30] says none of the Territorial Authorities have identified their urban environment, but at Appendix 3 says Queenstown Lakes District Council has. The difference is immaterial to this decision.
[409] NPS-FM 2020, cl 3.12-3.13.
[410] NPS-FM 2020, cl 3.14.

Development 2020, Recommendations and decisions report on the National Policy Statement *on Urban Development*.[411] The FDS:

> … provide a mechanism for local authorities to identify areas with environmental constraints, such as freshwater environments, where development may not be appropriate.

[369] The NPS-FM 2020 and NPS-UD 2020 are to be read together and reconciled under the regional policy statement and the district plans. As Mr Twose accepted, growth in development capacity does not outweigh (trump) Te Mana o te Wai. Te Mana o te Wai is the fundamental concept of freshwater management: any thinking to the converse would not give effect to either national policy statement.[412]

[370] Even so, the Territorial Authorities say they "cannot wait for all the statutory ducks to be lined up – the reality is that perfect alignment is likely to continue to be illusive".[413] The Territorial Authorities cannot possibly know that in advance. We find that with their focus firmly on NPS-UD 2020, the Territorial Authorities have pursued policy goals through this plan change with insufficient regard being paid to the NPS-FM 2020.

Regional Policy Statements

Operative Regional Policy Statement

[371] We have had regard to the operative policy statement, notwithstanding its inadequacies in terms of the senior planning documents. The planning witnesses were clear that this policy statement does not allocate water to specific activities or

---

[411] Ministry for the Environment and Ministry of Housing and Urban Development. *Recommendations and decisions report on the National Policy Statement on Urban Development*. (Ministry for the Environment and the Ministry of Housing and Urban Development, Wellington, 2020) at 87-88.

[412] Transcript Cromwell WKS 4/5 (Twose) at 408.

[413] Territorial Authorities, supplementary submissions (July) at [21].

uses.[414]

Proposed Otago Regional Policy Statement 2021

[372] We have also had regard to the proposed policy statement 2021. The proposed policy statement records 'poorly managed urban and residential growth affects productive land, treasured natural assets, infrastructure and community well-being'.[415] For context, the proposed policy records:

> Urban growth, especially if it exceeds *infrastructure* capacity (either through sheer pace and scale or by lack of planning) or if it occurs in a way or at a rate that mean that appropriate *infrastructure* is not provided, is lagging or is inefficient, can result in adverse impacts on the *environment*, existing residents, business and wider society. Quality urban environments are those that maximise the positive aspects of urban areas and minimise the negative.

[373] It is of particular relevance to the Territorial Authorities' case that this new plan is to include:[416]

- environmental flow and level regimes for water bodies that give effect to Te Mana o te Wai and
  - provide for community drinking water supplies (LF-FW-M6 Regional plans); and
- limits on resource use that:
  - differentiate between types of uses, including drinking water, and social, cultural and economic uses, in order to provide long-term certainty in relation to those uses of available water.

[374] In line with the NPS-UD 2020, the proposed policy statement requires

---

[414] De Pelsemaeker, EiR to the supplementary evidence of the Territorial Authorities at [26], concurring with assessment of M Twose in supplementary evidence at [26].
[415] ORPS, at SRMR–I4, significant resource management issue.
[416] ORPS, LF–FW–M6 – Regional plans.

strategic planning to be undertaken in advance of significant development, expansion or redevelopment (UFD–O3 Strategic planning).

[375] Development of nationally and regionally significant infrastructure together with land use change, is to occur in a co-ordinated manner to minimise adverse effects on the environment and increase efficiency in the delivery, operation and use of the infrastructure (EIT–INF–O5 Integration) and in this context, urban growth and infrastructure is provided for (EIT–INF–P17).[417] Decision-making on allocation or use of natural and physical resources must take into account the needs of nationally and regionally significant infrastructure (EIT-INF-P10 Infrastructure) with the management of effects also being prioritised (EIT-INF-P11 to P14). The need for a strategic approach to infrastructure development is also a method in the same chapter (EIT-INF-M5(1) District Plans).

Operative Regional Plan

[376] The relevant provisions are set out in Chapters 5, 6 and 12 of the operative regional plan. Our commentary elsewhere on the regional plan provisions applies here.

[377] In addition, we note 'human use values' supported by Otago's water bodies, are to be maintained/enhanced (Objective 5.3.1). 'Human use values' is not defined, but Policy 5.4.1 makes tolerably clear these include 'water supply values'. 'Water supply values' relate to takes for human consumption. Recorded in Schedules 1B and 3B, avoiding adverse effects on these values is to be given priority (Policy 5.4.2).

[378] Second, a key objective is to provide for the water needs of community domestic water supplies (Objective 6.3.2). The term 'community domestic water

---

[417] Policy EIT-INF-P17 Urban growth and infrastructure, is to provide for development infrastructure and additional infrastructure required to service existing, planned and expected urban growth demands in the short, medium and long term.

supplies' is not defined and nor is 'community water supplies', although the latter term was frequently used in this hearing.

[379] Thirdly, in many instances minimum flows will not apply to community water supply takes identified in Schedule 1B or 3B (Policy 6.4.8). Scheduled community drinking water supplies are exempt from the policies controlling primary allocation to allow for population growth.

[380] Finally, subject to the standards in the rule, the taking and use of water for community water supply is a controlled activity under Rule 12.1.3.1. With few exceptions, the matters of control focus on the abstractive use with no recognition of the cumulative effects of the proposed take.

Should the duration policies apply to community water supplies?

[381] The importance of the supply of drinking water for human consumption has never been in doubt.[418] The critical importance of infrastructure to the region's communities and the need for the continued operation and the development of upgraded or new infrastructure, is recognised in the proposed policy statement.[419] The operative regional plan also recognises the value of water supply for human consumption.[420]

[382] As with hydro-electricity generation, the relief being pursued by Territorial Authorities has been amended on several occasions. We deal with their relief by examining whether there should be an exclusion of water permits from the policies on duration as that was the starting point for their planning witness, Mr Twose.[421]

---

[418] See RMA, s 14(3), NPS-FM 2020's Objective and RWP, Objective 5.3.1 and Policy 5.4.2, "water supply values".
[419] See INF-Infrastructure, EIT-INF-E2 Explanation.
[420] RWP, Objective 5.3.1, Policies 5.4.1(e) and 5.4.2; definition "water supply values".
[421] Twose, EiC dated 5 February 2021.

Decision – exception from Policy 10A.2.2 for new community water supply activities

[383] We have found that the proposed restricted discretionary activity rule, Rule 10A.3.1A.2 (the 'May 2021' relief), is beyond scope and we give it no further consideration.[422]

[384] Our findings in relation to the operative regional plan and its unresponsiveness to freshwater management at paragraphs [317]-[320][423] and elsewhere in this decision, apply here.

[385] The District and Regional Councils are working together on spatial planning on development capacity. This work is ongoing and will be realised through the (now) proposed policy statement and district plans.[424] We find that the exception pursued by the District Council for new activities weakens the processes and outcomes mandated by the NPS-UD 2020 and NPS-FM 2020.

[386] We agree with the Territorial Authorities that the proposed policy statement lends support for their position;[425] however this is not unqualified support. The Territorial Authorities do not address the implication of the proposed policy to exclude from 'regionally significant infrastructure' – delivery systems or irrigation or infrastructure primarily deployed for the delivery of water for irrigation of land or rural agricultural drinking-water supplies. These are services currently provided by Territorial Authorities and which they wish to

---

[422] For the 'May 2021' relief see Twose, supplementary evidence dated 12 May 2021. See also Annexure 2: Scope Challenges.
[423] Hydro-Electricity Generation section.
[424] Transcript Dunedin WKS 7/8 (Muir) at 524-525.
[425] Territorial Authorities, supplementary submissions dated 28 July 2021 at [16].

continue under PC7.[426]

[387] The NPS-FM 2020 directs regional councils to include rules in a regional plan that set environmental flows and levels and take limits. The uncontested evidence before this court is that attribute states in several water bodies in Central Otago and Queenstown Lakes and in other districts, fall below the national bottom lines.[427]

[388] If water permits are the input parameters for the Territorial Authorities' scheme design, these parameters may change following a s 128 review. It is a matter for the Territorial Authorities whether they would assume the risk of their consent changing on review and seek resource consent (now) for new schemes replacing existing infrastructure. However, their stance on risk should not be to the potential detriment of the environment, nor other resource users who will look to a future regional plan to provide long-term certainty of available water.[428, 429] Given the above, we find the exception from this policy on duration is not made out.

Exception from Policy 10A 2.3 for community water supply activities

[389] After the conclusion of the hearing the court circulated an amendment to Policy 10A.2.3 and a draft restricted discretionary activity rule for the parties' consideration.[430] We considered a case can be made under the national policy statements for re-permitting existing community water schemes. As these schemes are already affecting the environment, the policy focus was on measures to

---

[426] Under the proposed policy statement 'drinking water' has the same meaning as in the National Planning Standards 2019. Community drinking water infrastructure is 'regionally significant infrastructure', however the definition of 'regionally significant infrastructure' expressly excludes delivery systems or irrigation or infrastructure primarily deployed for the delivery of water for irrigation of land or rural agricultural drinking-water supplies. See also method LF-FW-M6.

[427] Annexure 4: Water Quality.

[428] ORPS, LF-FW-M6 – Regional plans.

[429] ORC, closing submissions at [194]. The Regional Council is concerned that a s 128 statutory review could not change allocation between users in line with regional plan priorities.

[430] Minutes 'Community Water Supplies' dated 23 July and 4 October 2021.

minimise demand.

[390] The new rule addressed replacement permits (i.e. take and use permits expiring prior to 31 December 2025).[431] There were several iterations of the rule in evidence and presented by counsel in their submissions, but the drafting of the rule had yet to be landed securely.

[391] Parties responded proposing amendments but did not complete the Schedule attached to the court's rule identifying the community water schemes that the rule would apply too.[432] The Registry followed this up and a completed Schedule identifying both existing and proposed community water schemes in Queenstown Lakes and Central Otago districts was filed.[433] The Schedule did not respect the court's direction to consider replacement permits (only) and ignored the entry conditions on the draft rule limiting its application to replacement permits.

[392] The court queried the Schedule[434] and the Territorial Authorities and Regional Council jointly responded by removing activities that are not replacement permits from the Schedule and proposing substantive amendments to the proposed rule.[435] We refer to this as the 'October 2021 draft rule'.

[393] Policy 10A.2.3 (as proposed to be amended by the court) would continue to apply to replacement permits. However, the entry conditions to the new rule were amended to include both replacement permits (i.e. permits expiring before 31 December 2025) and secondly, permits expiring <u>after</u> 31 December 2025. From the evidence, we could only find two permits listed in the schedule that expire

---

[431] Minute 23 July 2021 at [6].
[432] Joint memorandum of ORC and Territorial Authorities dated 9 August 2021.
[433] ORC email sent 30 September 2021.
[434] Minute 'Community Water Supplies' dated 4 October 2021.
[435] Joint memorandum 'Community Water Supplies' dated 11 October 2021.

before 31 December 2025.[436]

[394] The effect of the amendments would be to enable Territorial Authorities to apply for resource consents for proposed new consolidated supply schemes – these schemes could source water from different sites and/or in different water bodies from the sites of the existing consents. As examples, for Clyde/Alexandra, the site of the take for the consolidated scheme would be "in the vicinity" of the existing consented bore at Clyde[437] and for the Cromwell/Pisa consolidated scheme, a lake take "in the vicinity" of the existing consented bore site at Cromwell.[438]

Scope and s 32AA assessment of the new restricted discretionary activity rule

[395] The rule as proposed to be amended by the Territorial Authorities and the Regional Council, does not respect the architecture of the plan change.

[396] The amendments were not supported by a s 32AA assessment and neither counsel have turned their mind to whether the court has jurisdiction to consider these amendments.

[397] The jurisdictional challenge that the Regional Council made to the 'May 2021' relief proposed by the Territorial Authorities' planning witness, Mr Twose, applies here insofar as the rule as proposed to be amended by the parties, would apply to both new and existing supply schemes.[439] The concerns around natural justice raised by the Regional Council in respect of the 'May 2021' relief also arise here. The intent of the amendment is for new activities to be consented for up to 15 years without any assessment of effects. We cannot exclude the possibility that the Territorial Authorities' activities may adversely affect the

---

[436] Central Otago District Council, Alexandra/Clyde Consent No RM 18.267.01 dated 14 August 2023 and Cromwell/Pisa Consent No 98586.V1 dated 1 February 2023.
[437] Muir, supplementary evidence at [18].
[438] Muir, supplementary evidence at [29].
[439] ORC, closing submissions at [136]-[145] and see Annexure 2: Scope Challenges.

rights and interests of others, including other water users.

Position of other parties

[398] In the Hydro-Electricity Generation section we set out in full the views of Ngā Rūnanga[440] and Fish and Game[441] in respect of the making of exceptions to the policies on duration. They oppose exceptions being made from the policies on duration.

Decision – exception from Policy 10A.2.3 for new community water supply activities

[399] The 'October 2021 draft rule', gives rise to fundamental issues of fairness as members of the public, who may be affected by what is proposed, have not had an opportunity to have a say in response. Furthermore, the Territorial Authorities do not propose to address the potential environmental effects caused by proposed *consolidated* supply schemes that would replace existing permitted schemes.

[400] Given the above, we decline to amend PC7 by including an exception to Policy 10A.2.3 for community water supplies and the associated restricted discretionary activity rule.

Other matters

[401] Substantial amendments have been made to the plan change in response to the submissions made by the Territorial Authorities. This includes amending the entry conditions to the controlled activity rule and the associated Schedule 10A.4 to improve the effectiveness of methodologies for calculating historical use to better account for usage by supply schemes. Policy 10A.2.1(d) provides an exception for community water supplies allowing for an increase in the historical

---

[440] Ngā Rūnanga, closing submissions at [59].
[441] Fish and Game, closing submissions at [1]-[4].

rate of take and volumes up to the existing consent limits. The restricted discretionary activity rule (Rule 10A.3.1A.1(a)(ii)(aa)) has as a matter of discretion for community water supplies, within existing deemed permit and water permit volume and rate limits, the extent to which there is a need to provide for population growth within the term of the consent. [442]

[442] See De Pelsemaeker, reply (June) at [59] for summary of relevant changes. We adopt his s 32AA assessment in Appendix 6 concerning the population growth options.

Evaluation and Outcome

[402] Submissions on the plan change were lodged by 290 persons, of which 78 were parties to this proceeding.

[403] The approach we have adopted in this decision is to identify and decide broad issues raised in submissions. Many of the issues are interlinked, and the resolution of any one issue does not determine the outcome of this proceeding. If this is not clear from the body of the decision (including the annexures), we make it clear now that this has been our approach.

[404] In response to submissions, this plan change has been largely rewritten. The final plan change is the culmination of a considerable body of work achieved largely through court facilitated conferencing of expert witnesses and secondly, by court led drafting of provisions on topics that proved hard to render into policies and rules.

[405] What follows next, is a summary of the key findings relevant to ss 32 and 32AA of the Act, provisions which we have borne in mind throughout this decision.

Objective 10A.1

[406] The Objective is to provide for the lodgement and determination of applications for resource consent over the interregnum – that is, the period between the operative freshwater planning framework and a new integrated planning framework.

[407] The objective is broad enough to allow for different policy approaches to be taken to the primary sector, territorial authorities and hydro-electricity generation activities.[443] The amendment proposed by the court to the objective

---

[443] Hydro-electricity generation activities is, however, limited to Trustpower.

and the related amendment in Policy 10A.2.2 and in the explanatory material are to address what we regard as the inadvertent narrowing of the plan change to apply to most – but not all – applications to take and use fresh water. Our decision to approve of the plan change does not depend on these amendments being made, so serious are the deficiencies in the operative regional plan. Directions will be made allowing parties an opportunity to respond.

[408] We do not approve of additional objectives proposed by planning witnesses in the 9th JWS.[444] Unsupported by an assessment under s 32 and s 32AA of the Act, the jurisdiction (scope) for the court to amend the plan change this way was not established. Unusually (in our experience) the intended outcome is for the additional objectives to provide support for non-complying activities. We find the proposed objectives would unlikely be effective in limiting the number and scope of applications for non-complying activities that may be consented for a duration exceeding six years.

The take and use of freshwater

[409] Under Objective 10A.1, consent applications for freshwater activities will continue to be filed and processed by the consent authority.

[410] For applications not involving the replacement of deemed permits or permits expiring by 31 December 2025, the provisions of the operative regional plan apply. However, the regional plan does not give effect to the NPS-FM 2020, NPS-UD 2020 or NPS-REG 2011 (or predecessors) and, taken together with the weak direction and unranked outcomes under the regional plan's objectives, warrants a policy limiting the duration of consents to a period not exceeding six years.

---

[444] 9th JWS dated 4 and 21 June 2021.

Replacement consents

[411] Under Objective 10A.1, consent applications to replace deemed permits and replace water permits for existing takes and uses expiring before 31 December 2025, will not be determined under the general provisions of the operative regional plan[445] but instead will be determined under the provisions of PC7's Chapter 10A.

[412] The NPS-FM 2020 and NPS-REG 2011 justify a different approach on duration being taken in relation to hydro-electricity generation where an application is made to replace an expiring permit under Policy 10A.2.3. An exception to this policy has been made for Trustpower's hydro-electricity generation schemes. However, this is not a preferred outcome for Territorial Authorities who intend *consolidating* existing supply schemes rather than seeking to replace consents for an existing activity.

Environmental effects

[413] Save to the limited extent proffered by Trustpower for replacement permits (Policy 10A.2.3), the plan change is not directly working on the adverse effects of activities on the environment, leaving this for the future regional plan. This outcome may seem counterintuitive to many within the primary sector, who wish to improve the current state of the environment and set out proposals to do so in their applications for resource consent.

[414] While we do not doubt that the intent of applicants is to change the existing management of freshwater, applications for resource consent do not themselves give effect to the national policy statements. This is 'planning by consent' – we do not use that phrase as a pejorative as we recognise primary sector applicants have felt compelled to this because of the operative freshwater planning framework.

[415] In spite of the operative regional plan – or perhaps because of it – people

---

[445] Mainly set out in Chapters 5, 6, 12 and 20.

and communities within the primary sector are working to improve the environment.[446] In addition to the on-farm environmental enhancements spoken about in evidence, there are scale-up projects, such as Tiaki Maniototo, which depend on the wide network of relationships within the farming community and the full potential of which will only be realised by some landowners changing their farm systems. People participate in these projects not to gain a grant of resource consent, but to benefit the region.[447]

[416] That said, when compared to an applicant-driven process, PC7's objective to facilitate the efficient and effective transition to a new planning framework is still the most appropriate way to achieve the purpose of the Act. This way the three national policy statements which together expand on the purpose and principles of the Act, will be given effect.

Mana whenua

[417] In coming to our decision to approve the plan change, we have given the Ngā Rūnanga submission significant weight.

[418] We said Te Mana o te Wai is both a concept and a value:

(a) the NPS-FM 2020 calls Te Mana o te Wai the 'fundamental concept', its framework encompassing six principles in the management of freshwater which inform the NPS and its implementation;[448] and

(b) Te Mana o te Wai is also a value: "Te Mana o te Wai is inseparable from the mana of the people".[449]

---

[446] See for example, Currie, EiC dated 4 February 2021 and supplementary evidence dated 12 May 2021. Also, Manson, EiC dated 5 February 2021, supplementary evidence filed 11 May 2021; for G Herlihy's experience reconsenting in the Sowburn catchment see transcript Cromwell WK 6 at 1429. Matakanui Station's wetland protection work at transcript Cromwell WK 6 (Paterson) at 1479.

[447] Transcript Cromwell WK 6 (E Crutchley) at 1176-1177.

[448] NPS-FM 2020, cl 1.3.

[449] Ellison, EiC at [119].

[419] Kāi Tahu ki Otago's[450] perspective on Te Mana o te Wai records: "[t]he whakapapa of mana whenua and water are also integrally connected. [The] kinship relationship, and mana whenua and the wai cannot be separated." [451] Whakapapa describes the bonds, relationships and connections that bind mana whenua to the land and water. Mr E Ellison's evidence is that it is unnatural for mana whenua to separate themselves from the land and the water; all are one.[452] Water has life force, and if diminished in the sense that water does not retain its life, energy and vitality – so the people will too be diminished.[453] The condition of water is seen as a reflection of the condition of the people: when the wai is healthy, so are the people.[454]

[420] When Ngā Rūnanga talk about mahinga kai, they are not *just* talking about the availability of a food resource. They are talking about the spiritual essence, the lifeforce (mauri) and health (hauora) of water bodies and of the spiritual and cultural practices that healthy water bodies sustain.[455] They are concerned that mātauranga (knowledge) associated with customary mahinga kai activity will be lost if water is degraded;[456] a loss that was likened to the loss of a language.[457]

[421] This is the context for Mr Ellison's statement that Kāi Tahu values and interests have been *disabled* under the operative regional plan.[458] His opinion is borne out by the planning evidence of Ms M Bartlett (for Ngāi Tahu ki Murihiku) and Ms McIntyre (for Kāi Tahu ki Otago).

---

[450] McIntyre, amended EiC at [64]-[67]. Ms McIntyre notes Kāi Tahu ki Otago definition of Te Mana o te Wai is informed by the Murihiku perspective.
[451] McIntyre, amended EiC Appendix 2: Kāi Tahu ki Otago Te Mana o te Wai definition, objectives and policies; Ellison, EiC at [114]-[117].
[452] Transcript Dunedin WKS 1-3 (Ellison) at 510.
[453] Transcript Dunedin WKS 1-3 (Bull) at 489.
[454] McIntyre, amended EiC Appendix 2: Kāi Tahu ki Otago Te Mana o te Wai definition, objectives and policies; Ellison, EiC at [114]-[117].
[455] Transcript Dunedin WKS 1-3 (Thompson) at 491-492.
[456] Transcript Dunedin WKS 1-3 (Bull) at 492; (Ellison) at 503 and Ellison, EiC at [98].
[457] Transcript Dunedin WKS 1-3 (Ellison) at 503.
[458] Transcript Dunedin WKS 1-3 (Ellison) at 502.

[422] This plan change is supported by mana whenua as its objective is to give effect to Te Mana o te Wai through the framework of the regional planning documents and they regard this as being more consistent with the principles of the Treaty of Waitangi than the other options presented at this hearing.[459] We accept their submission.

Policies, rules and methods

[423] The Objective is implemented by four policies:

> Policy 10A.2.1 – a policy constraining the scale of activities that applies to application to replace specified water permits;
>
> Policy 10A.2.2 – a policy on duration applying to consents granted for activities other than those replacing the specified water permits;
>
> Policy 10A.2.3 – a policy on duration applying to consents granted to replace specified water permits; and
>
> Policy 10A.2.4 – a policy that applies to consents granted to replace deemed permits.

Policy 10A.2.1

[424] Policy 10A.2.1 applies to all applications to replace specified water permits. Many of these will be deemed permits which had little by way of conditions to manage environmental effects. Applications for resource consent for these permits will be assessed and determined in accordance with Chapter 10A (alone).

[425] To the extent that it can, the purpose of this policy is to constrain the scale of the effects of these activities on the environment. The policy has changed

---

[459] Ngā Rūnanga, opening submissions at [21].

substantially from the notified version and now has a clear focus on (a) the area of irrigation, and (b) the historical rate of abstraction and historical volume of water.

[426] An exemption from the policy has been made for orchards and viticulture activities where mainline irrigation pipes servicing an additional area to be irrigated were installed before 18 March 2020. We made this decision because (a) the application of the policy has the advantage of certainty – the investment having been made, and (b) we were satisfied that the land use effects of orchard and viticulture activities can be managed.

Policies 10A.2.2 and 10A.2.3

[427] The Territorial Authorities and Trustpower share a common concern that the policy on duration will impact investment decisions on new development and maintenance/enhancement of existing infrastructure. The importance of community water schemes and hydro-electricity generation is not in dispute; it is recognised in the national policy statements and through the proposed policy statement.

[428] We have found one exception from Policy 10A.2.3 is justified, and this exception is set out in Annexure 8: Plan Change 7 Provisions. The exception made from Policy 10A.2.3 is for the replacement of a deemed permit where the take and use of water in relation to hydro-electricity generation schemes listed in Schedule 10A.5.1. is for a duration of up to 31 December 2035.

[429] We have rejected the submission from the Territorial Authorities and Trustpower seeking general relief from the application of Policy 10A.2.2. Consent applications other than those to replace specified permits,[460] will continue to be assessed and determined under the operative regional plan. However, the duration of the grant will not exceed six years.

---

[460] Deemed permits and water permits expiring before 31 December 2025.

Policy 10A.2.4

[430] We have explained the need for a policy to support continued flow sharing between former holders of deemed permits (Policy 10A.2.4).

Other reasonably practicable options

[431] We considered whether the options identified by parties/submitters were reasonably practicable options for achieving the Objective. All options identified were tested through the joint witness conferencing and in examination of witnesses. Where the court has been concerned over the resolution of complex issues through the plan change provisions, we have provided feedback in court and in Minutes we have suggested ways to address intractable drafting problems, inviting response.

[432] Subject to our reservation over Objective 10A.1.1(a) we conclude that the provisions in Annexure 8 are the most appropriate way to achieve the Objective.

Efficiency and effectiveness

[433] We have assessed the efficiency and effectiveness of the amended policies and methods and are satisfied that their (now) narrow focus will achieve the plan change objective.

[434] That said, the notified version of the plan change was poorly conceived and not adequately informed by the primary sector. Consequently, primary sector applicants have not felt encouraged to apply to replace their permits using the controlled activity pathway as was intended, and any now wishing to take advantage of the amended controlled activity rule will likely need to amend their applications.

[435] We received extensive evidence on the negative impact PC7 will have on economic growth and employment (both expert and lay opinion). We find that

the policies on duration will likely reduce economic growth and potentially also growth in employment in the region. The social effects of these policies go well beyond their economic impact. As we have acknowledged, the primary sector (in particular) is having to deal with a lot right now and granting of consents for a short duration adds to their uncertainty.

[436] That said, the six-year duration is intended to discourage further investment in irrigation infrastructure and expansion of irrigable areas, and the policies will likely have this general effect. For many, this will seem perverse as investment in infrastructure is often accompanied by an increase in irrigation efficiency – which ordinarily is a *good* outcome. However, the six-year duration responds to imminent change in policy settings under the proposed policy statement and (to be notified) regional plan which is expected for land and freshwater management.

[437] The relief sought by many to either reject the plan change or to include provisions in the plan change to allow for the granting of resource consents for long duration (15 – 20 – 35 years) has its own risks. This risk of economic hardship to individuals investing in infrastructure during the intervening period is probable.

Outcome

[438] Pursuant to s 149U of the Resource Management Act 1991, upon finalising the drafting of provisions the court will approve the insertion of Chapter 10A into the Regional Plan: Water for Otago.

[439] Save in one respect, the decision of the court is final. The matter which is not final concerns an amendment to Objective 10A.1.1 set out in the 12th JWS. The parties may have inadvertently narrowed the scope of the plan change through an amendment proposed to Objective 10A.1.1(a). Any party taking a different view from the court is to file a memorandum giving reasons and identifying the submission(s) on the plan change that they rely on to support the amendment in

the 12th JWS.[461] Any party agreeing with the court, but wishing to suggest alternative wording, may do so.

[440] The court has made minor changes to the provisions of an editorial nature which are track changed in Annexure 8. Most of these are self-explanatory and where they are not, an explanation is contained in the decision. Leave is reserved for any party to seek clarification from the court on the amendments.

[441] Parties do **not** need to take any steps if they agree with the court's alternative wording and the reasons for suggesting the amendments.

Directions

[442] I direct:

(a) by **Wednesday 27 October 2021** any party may file a memorandum seeking clarification as to an amendment proposed in Annexure 8: Plan Change 7 Provisions;

(b) by **Friday 12 November 2021** any party:

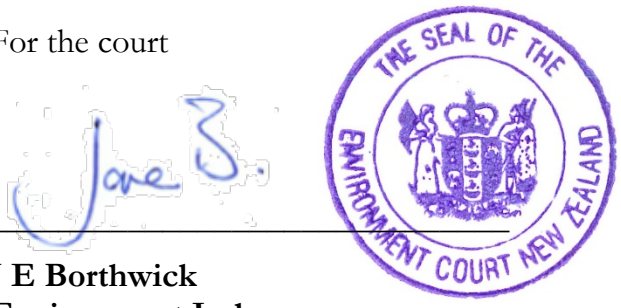
(i) taking a view that Objective 10A.1.1(a) in the 12th JWS does **not** inadvertently narrow the plan change and **is** within scope of the plan change is to file a memorandum giving reasons;

(ii) may propose alternative wording to address any inadvertent narrowing of the Objective, including consequential amendments to other provisions; and

[461] The notified version of PC7 reads "new water permits " and is proposed to be amended in the 12th JWS to "the take and use of freshwater not previously authorised by a water permit".

(iii) may suggest amendments to Annexure 8: Plan Change 7 Provisions that are of an editorial nature (only).

For the court



J E Borthwick
Environment Judge

Appearances:

P A C Maw & M A Mehlhopt for Otago Regional Council

D van Mierlo for Aotearoa New Zealand Fine Wine Estates Limited Partnership

R Armstrong & M MacGregor for Balquhidder Farming Limited

L Phillips for Beef + Lamb New Zealand Limited and NZ Deer Industry Association Limited

R Hore & V Hore for Blackstone Hill Limited

R Lane for Blackstone Irrigation Company Limited

P Smith for Cairnhill Limited

E Parcell for Carrick Irrigation Company Limited, P Horn & D Abrams

R Giles for Central Otago Environmental Society

B Irving for Clutha District Council, Waitaki District Council, Queenstown Lakes District Council, Dunedin City Council and Central Otago District Council

T and C Davis for Coburn Partnership Limited

C & R Tamblyn & M Dhillon for Coal Creek Water Users Group

G Crutchley for himself

P Williams for the Director-General of Conservation

P Page for Falls Dam Company Limited

K Reilly for Federated Farmers of New Zealand Inc

M Kelly for Galloway Irrigation Society Inc

D & D Sangster for Glenayr Limited

M Hore for Glenshee Station Limited

B Groundwater for A P & B J Groundwater, M Groundwater, Beggs Creek Station Limited, B & K McEwan, Lilybank Co Limited

R & S Weir for Hamilton Runs

K Gillespie for Hawdun Idaburn Irrigation Company

H Atkins & L Ford for Horticulture New Zealand Limited

M Hely for Heaney Road Partnership

N Armstrong for Ida Valley Irrigation Company Limited

C R Perkins for Landpro Limited, Hortinvest Limited, R Naylor, Knapdale Farms

Limited, Lindis Peaks Farming Limited, Terraces Irrigation Limited, Mount Earnslaw Station, E & B Attfield, Waikerikeri Water Users Group

K Heckler for Lauder Water Users Group, Lauder Creek Limited and D R & S A Hill

J Herlihy for Maniototo Irrigation Company Limited

E Crutchley for Maniototo West Side Irrigation Company Limited

G Martin for himself

A Paterson for Matakanui Station Limited

K Reid for McArthur Ridge Vineyard Limited, Mount Dunstan Estates Limited, Strath Clyde Water Limited,

A McAuley for A and L McAuley, Packspur Vineyard, Heaney Road Partnership

R Dixon for Minister for the Environment

C P Mulholland for C P & D E Mulholland

M Baker-Galloway for Otago Fish and Game Council and Central South Island Fish Game Council

P Page and B Irving for Otago Water Resources User Group

W McMillan for Pisa Irrigation Company Limited

P Murray for Phil Murray Resource Management Limited

P Anderson and R Zwaan for Royal Forest & Bird Protection Society of New Zealand Inc

J Thomson for Shag Valley Irrigators Group

S A Enright for Southern Lakes Holdings Limited

C Tamblyn for herself

J Winchester and S Lennon for Te Rūnanga o Moeraki, Kāti Huirapa Runaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga and Waihōpai Runaka, Te Rūnanga Ōraka o Aparima, Te Rūnanga o Awarua and Te Rūnanga o Ngāi Tahu

J Welsh for Trustpower Limited

H Rennie for Wise Response Society Inc

D Young for himself

Annexure 1: The Law

[1] Following recommendations made by the Minister for the Environment,[1] the Regional Council prepared and notified a change to the Regional Plan: Water for Otago (PC7). The Minister subsequently called in the plan change and referred the matter to the Environment Court for determination (RMA, s 142(2)).[2]

[2] The Minister found that PC7 is part of a proposal of national significance and directed the matter be referred to the Environment Court for decision because:

a) Calling in the plan change as part of a proposal of national significance would:
   i. assist the Otago Regional Council by allowing its staff to focus on developing a new Land and Water Regional Plan; and
   ii. avoid potential delays associated with the Schedule 1 process of the RMA that could complicate the development of a new Land and Water Regional Plan.

b) The current COVID-19 situation would make the appointment of suitable members to a board of inquiry difficult in a short timeframe whereas the Environment Court process would provide surety in terms of progressing a decision on the matter.

[3] In October 2020 the Environment Court accepted lodgement of PC7 for decision.[3]

---

[1] Letter from Hon D Parker (Minister for the Environment) to Hon M Hobbs and Councillors (Otago Regional Council Chair and Councillors) regarding Section 24A Report: Investigation of Freshwater Management and Allocation Functions at Otago Regional Council under section 24A of the Resource Management Act at CB: Vol 5, Tab 12C.

[2] Ministerial Direction of David Parker (Minister for the Environment) to refer the Otago Regional Council's proposed Plan Change 7 – Water Permits to its Regional Plan to the Environment Court (8 April 2020) at CB: Vol 5, Tab 12A.

[3] See RMA s 149T and Minute 'Notice Of Motion And Lodgement And Service of Documents' dated 23 October 2020.

[4] When considering any matter referred to it, the Environment Court must:[4]

(a) have regard to the Minister's reasons for making a direction in relation to the matter; and

(b) consider any information provided to it by the EPA under s 149G; and

(c) act in accordance with s 149U(6).

[5] Section 149U(6) provides:[5]

> (6) If considering a matter that is … a change to a regional plan, the court—
>
> (a) must apply clause 10(1) to (3) of Schedule 1 as if it were a local authority; and
>
> (b) may exercise the powers under section 293; and
>
> (c) must apply sections 66 to 70, 77A, and 77D as if it were a regional council.[6]

[6] Schedule 1, referred to in the section above, addresses the contents of the decision to be made. In summary, while the court is not required to give a decision that addresses each submission individually, we must give a decision on the provisions and matters raised in submissions, including reasons for accepting or rejecting the submission. The decision must include a further evaluation of the proposed change in accordance with s 32AA (RMA, Schedule 1, cl 10(1) to 10(3)).

[7] We turn next to ss 66 – 70, 77A and 77D of the Act, also referred to above.

[8] Pursuant to s 66, the plan change must be prepared in accordance with:[7]

(a) the Regional Council's functions under s 30;

---

[4] RMA, s 149U.

[5] Only relevant matters are listed.

[6] For completeness, we record pt 11 of the Act also applies to this proceeding, except if inconsistent with any provision of s 149U (RMA, s 149U(8)). Part 11 contains provisions specifically relating to the Environment Court.

[7] RMA, s 66.

(b) the provisions of pt 2; and

(c) any national policy statement and national planning standards

– among other requirements.

[9] These proceedings concern a change to a regional plan. A regional plan is a planning instrument that states the objectives for the region, the policies to implement the objectives and finally, rules (if any) to implement the policies (RMA, s 67(1)). A regional plan must give effect to any national policy statement, national planning standard and regional policy statement (RMA, s 67(3)).

[10] While a regional plan must give effect to a regional policy statement, the Act defines 'regional policy statement' as meaning an operative regional policy statement approved by the Regional Council; the definition does not include a proposed policy statement.[8] Even so, when preparing or changing a regional plan, the Regional Council (here, the court) is to have regard to any proposed regional policy statement (RMA, s 66(2)(a)).

[11] A Regional Council may allocate the taking or use of water (RMA, s 67(5)).

[12] A regional council may include rules in a regional plan for the purpose of carrying out its functions under the Act and also for achieving the objectives and policies of the plan (RMA, s 68(1)). When making a rule, a regional council is required to have regard to the actual or potential effect on the environment of activities, including any adverse effects (RMA, s 68(3)). Rules may apply to different classes of activity and may be subject to different conditions (RMA, s 77A). Finally, rules may specify activities for which applications for resource consent are to be notified (including limited notification) or in relation to which notification is precluded (RMA, s 77D).

---

[8] RMA s 43AA 'policy statement' means a 'regional policy statement'. See also the definition of 'proposed policy statement', 'regional policy statement' and 'operative'.

National Policy Statements

[13] The three national policy statements that the plan change must give effect are as follows:

(i) National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG);
(ii) National Policy Statement for Freshwater Management 2020 (NPS-FM 2020); and
(iii) National Policy Statement on Urban Development 2020 ('NPS-UD').

[14] An important issue in this case is whether a change that is for administrative purposes gives effect to the NPS-FM 2020.[9]

Regional Policy Statements

[15] There are two relevant Regional Policy Statements:

(i) partly operative Regional Policy Statement; and
(ii) proposed Otago Regional Policy Statement 2021.

[16] For present purposes, the partly operative regional policy statement is operative in all key respects. It is common ground that this policy statement gives partial effect to the NPS-REG 2011 but does not give effect to the NPS-FM 2020 or NPS-UD 2020 (or their predecessors).

[17] The Regional Council notified its proposed policy statement in June 2021, some 18 months after the notification of PC7. This is a planning instrument that the court is to have regard to, however not all of the issues that are identified by counsel for the court's determination in relation to the proposed policy statement

---

[9] Legal submissions on behalf of the Otago Water Resources User Group, 28 July 2021 ('OWRUG, supplementary submissions (July)') at [20].

are matters that we need to decide.[10] That said, to 'have regard to' a matter requires that the court gives the proposed policy statement genuine attention and thought.[11]

Preliminary points of law

[18] We turn next to issues/topics raised by Otago Water Resources User Group ('OWRUG') and others, dealing with them as preliminary points of law which, if successfully argued, would or could result in a decision to reject the plan change. Those issues/topics concern:

(i) whether the plan change is 'permissible';[12]
(ii) the Report of Honorary Professor P Skelton;
(iii) the Ministerial recommendations issued under s 24A of the Act; and
(iv) the sufficiency of the s 32 Report.

Issue: is the plan change 'permissible'?

[19] OWRUG submits s 67(3) requires a change to a regional plan to give effect to the NPS-FM 2020. Acknowledging that the obligation to give effect is limited by the scope of the plan change,[13] they submit the plan change is not *permissible* because its purpose is simply to delay the substantive implementation of the NPS-FM 2020.

[20] In addition, OWRUG argues cl 3.17(3)(a) of the NPS-FM 2020 requires that a regional plan identify flows and levels at which taking is restricted or no longer allowed. They say this requirement exists independently of the development of regional plans under the National Objectives Framework ('NOF')

---

[10] ORC memorandum 'Issues for the Court's determination in respect of the proposed Otago Regional Policy Statement' dated 9 July 2021. An example of a matter we will not decide is whether the proposed policy statement gives effect to the national policy statements.
[11] *Unison Networks Ltd v Hastings District Council* [2011] NZRMA 394 (HC) at [70].
[12] OWRUG, supplementary submissions (July) at [20].
[13] Legal submissions on behalf of OWRUG, 23 March 2021 ('OWRUG, opening submissions') at [5].

processes.[14] In not introducing minimum and residual flows for water bodies, OWRUG submits that the plan change does not prioritise the health and well-being of water bodies and freshwater ecosystems.[15]

[21] PC7 is also said to be fundamentally flawed in that:[16]

(a) it does not give effect "sufficiently to Te Mana o te Wai compared with not adopting plan change 7 (the section 32 test);" and

(b) it does not require the consent authority to "test"[17] resource consent applications directly against Te Mana o te Wai.

[22] Evidently, OWRUG's discretionary pathway was intended to address the alleged flaws, by providing applicants an opportunity to apply for long-term water permits which, if consented, may lead to improved outcomes for the environment.[18]

Discussion

[23] OWRUG accepts that the obligation to give effect to the NPS is limited by the scope of the plan change.[19] The challenge facing the Regional Council and the parties is what to do in the interregnum when hundreds of permits will expire, but the new integrated regional planning framework is not in place.

[24] While the NPS is to be given effect as soon as reasonably practicable, if changes to regional policy statements and regional plans are required to achieve

---

[14] NPS-FM, pt 3, subpart 2. OWRUG, opening submissions at [20]–[21].

[15] Transcript Dunedin WKS 1-3 (Page) at 920-925; OWRUG, opening submissions at [12]–[13], [16] where OWRUG likens minimum flows as being an "allocation of water for fresh water ecosystems", OWRUG's submissions on cl 3.12, 3.19 and cl 3.20(1), are with similar effect although they do not go as far as saying these obligations exist independently of the NOF processes. NPS-FM 2020, cl 3.19 and 3.20 deals with the assessment of trends in attribute states; degraded or degrading waterbodies.

[16] Legal submissions on behalf of OWRUG, 5 July 2021 ('OWRUG, closing submissions') at [15].

[17] By *"testing"* we presume OWRUG means under RMA, s 104(1)(b).

[18] OWRUG, closing submissions at [1]–[3], [15]-[17].

[19] OWRUG, opening submissions at [5].

this, these are to be notified by 31 December 2024.[20] However, in the case of Otago, the Minister for the Environment has recommended, and the Regional Council agrees, that a new regional plan will be notified by December 2023.

[25] OWRUG did not make a submission on the plan change seeking amendments to its provisions. Even so, OWRUG would see PC7 amended to include a relief for discretionary activities by creating an exception to the policies on duration. Whether there is scope for this and other relief is challenged by the Regional Council but for reasons that we give elsewhere we have declined to give a ruling.[21]

[26] OWRUG presented no authority for its submission that the plan change is fundamentally flawed in that it does not require the consent authority to *test* resource consent applications directly against Te Mana o te Wai. We also struggled with the sense of the submission that the plan change is in some way *impermissible*. Our decision follows comprehensive analysis of the plan change under RMA, ss 32 and 32AA. Importantly, we have found that the plan change objective, which is to facilitate the efficient and effective transition from the operative freshwater planning framework to a new integrated regional planning framework, is giving effect to the concept of Te Mana o te Wai and therefore to the NPS-FM 2020.

NPS-FM 2020, cl 3.17(3)(a)

[27] We turn now to address OWRUG's submission that cl 3.17(3)(a) of the NPS-FM 2020 is a mandatory requirement to be given effect to by this plan change.[22] This is OWRUG's interpretation of the NPS-FM 2020.

[28] The interpretational issue OWRUG identifies is whether 'flows and levels' (cl 3.17(3)) are to be read consistently with 'environmental flows and levels' (cl

---

[20] See NPS-FM 2020, pt 4 and RMA, s 80A.
[21] Annexure 2: Scope Challenges.
[22] OWRUG, opening submissions at [21].

3.17(1)). It is OWRUG's case that the phrases are not to be interpreted consistently. Two reasons are given:

(a) the phrases 'environmental flows and levels' and 'flows and levels' are (literally) different; and

(b) clause 3.17(1) commences "in order to meet environmental flows and levels, every regional council…" whereas cl 3.17(3) commences "Where a regional plan or any resource consent allows taking [etc], the plan or resource consent must identify the flows and levels at which: (a) the allowed taking [etc] is no longer allowed;"[23]

– while important to OWRUG's submission, the argument was largely undeveloped.

[29] As OWRUG is interpreting the NPS-FM 2020, s 5 of the Interpretation Act is relevant and provides that the meaning of an enactment is to be ascertained from its text and in the light of its purpose. As always, it is the court's task to interpret the text of the legislation and not to rewrite it; the court is not to give the text meaning that it is incapable of bearing. It is important that the meaning of words under consideration be read in the context of other words of the section in which it appears. The general rule being that the meaning of words is known by the company that they keep; per *Burrows and Carter Statute Law in New Zealand.*[24]

[30] Clause 3.17(1) requires the Regional Council to identify take limits for each Freshwater Management Unit ('FMU') and include them as rules in a regional plan. A 'take limit' is defined as the limit on the amount of water that can be taken from a FMU, as set under cl 3.17.[25] Take limits are to meet 'environmental flows and levels' (cl 3.17(1)) and achieve the outcomes listed (cl 3.17(4)).

---

[23] Transcript Dunedin WKS 1-3 (Page) at 923ff.

[24] R I Carter *Burrows and Carter Statute Law in New Zealand* (6th ed, LexisNexis, Wellington, 2021) at 329.

[25] NPS-FM 2020, cl 1.4 Interpretation.

[31] 'Environmental flows and levels' are set at levels that achieve the environmental outcomes for the FMUs and relevant long-term visions (cl 3.16(2)). The Regional Council must include rules in its regional plan that set 'environmental flows and levels' for each FMU and may set different 'flows and levels' for different parts of an FMU (cl 3.16(1)). We understand the setting of different 'flows and levels' in different parts of an FMU, is to manage (for example) tributary flows or secondly, flows along the reach of a river mainstem. These 'flows and levels' are a component of broader sets of 'environmental flows and levels', which are set to achieve the outcomes for the values relating to that FMU (or relevant parts).[26]

[32] Take limits and environmental flows and levels are correlated in that the former (take limits) are set to meet environmental flows and levels (see cl 3.17(1)) and flows and levels at which taking is no longer allowed (cl 3.17(3)).

[33] Clause 3.17(1) and (3) differ in that cl 3.17(1) is prescribing methodology giving effect to environmental flows and limits set under cl 3.16, whereas cl 3.17(3) is a direction to Regional Councils that regional plans and resource consents are to identify flows and levels at which taking (etc) is restricted or no longer allowed. This is belt and braces drafting that identifies first, the methodology and then second, requires its adoption.

[34] For completeness, we note, the phrases 'environmental flows and levels' <u>and</u> 'flows and levels' are used elsewhere within the same clause (see cl 3.16(1) and 3.16(3)(a)).

[35] The setting of take limits and environmental flows and limits are NOF processes and are referred to as such in cl 3.7(2)(e) and (f).[27] We find that cl 3.17(3) does not impose an obligation on Regional Councils to set environmental flows

---

[26] NPS-FM 2020, cl 3.16(2).

[27] At paragraph [21(e)] of OWRUG, opening submissions, cl 3.19 and cl 3.20(1) were also noted with similar effect. While counsel acknowledged these are requirements of the NOF processes, they submitted it was contrary to Te Mana o te Wai for the Regional Council to "do nothing" about degraded or degrading FMU.

and levels separately/apart from the NOF process either in a change to a regional plan or on determination of individual resource consent applications.

Issue: report of Honorary Professor P Skelton and the Ministerial recommendation given under s 24A of the Act

[36] Extensive evidence was led by OWRUG and others concerning the report of Honorary Professor P Skelton ('Skelton Report')[28] and the recommendations of the Minister for the Environment to the Regional Council.

[37] Professor Skelton was appointed by the Hon David Parker, Minister for the Environment, acting under s 24A of the Act, to investigate whether the Regional Council is adequately carrying out its functions under s 30(1) of the Act, including the implementation of the NPS-FM 2014 (amended 2017).

[38] The Minister subsequently gave three formal recommendations to the Regional Council pursuant to s 24A. Those are (in summary):[29]

(a) the Regional Council takes all necessary steps to develop a fit-for-purpose freshwater management planning regime giving effect to the national instruments;

(b) the Regional Council develops and adopts a programme of work to:

  (i) by November 2020, review the (partially operative) regional policy statement;[30]

  (ii) by December 2023, (notify) a new land and water plan; and

(c) by 31 March 2020, the Regional Council is to prepare a plan change

---

[28] Peter Skelton *Investigation of Freshwater Management and Allocation Functions at Otago Regional Council – Report to the Minister for the Environment* (Ministry for the Environment, 1 October 2019).

[29] Letter from Hon D Parker (Minister for the Environment) to Hon M Hobbs and Councillors (Otago Regional Council Chair and Councillors) regarding Section 24A Report: Investigation of Freshwater Management and Allocation Functions at Otago Regional Council under section 24A of the Resource Management Act at CB: Vol 5, Tab 12C.

[30] At that time there were two Regional Policy Statements; an operative RPS and secondly a partially operative proposed RPS. We assume what is intended is a review of the partially operative RPS to give effect to the higher order planning instruments.

to provide an adequate interim planning and consenting framework to manage freshwater.

[39] The Minister declined Professor Skelton's recommendation that the RMA be amended to change the date for expiry of the deemed permits from 1 October 2021 to 31 December 2025 (31 December 2025 being the date that a new regional plan is expected to be operative).

[40] In line with the Minister's recommendations, the Regional Council agreed to prepare and notify a change to the operative Regional Plan: Water for Otago (i.e. PC7). The focus of the change was to be the processing of water permits, including those to replace deemed permits.[31]

[41] We will not essay the criticism levelled at the Skelton Report, nor the recommendations given by the Minister for the Environment. It is unclear how this criticism is relevant to our consideration of the plan change. If it is to emphasise the view that consenting of long-term water permits may benefit the environment, the court heard this submission.[32] With that said, the correct forum to challenge the exercise of a Ministerial power is the High Court.

Issue: adequacy of the s 32 Report

[42] In March 2020, the Regional Council released its s 32 Report on PC7.[33] That report was challenged by Mr G Martin and others who would have the court reject the plan change in its entirety because of what they contend are defects in

---

[31] Letter from Office of the Chairperson (Otago Regional Council), to Hon D Parker (Minister for the Environment) regarding Investigation of Freshwater Management and Allocation Functions at Otago Regional Council under section 24A of the Resource Management Act 1991: Otago Regional Council Response to Recommendations (16 December 2019). CB Vol 5: Tab 12E.

[32] See OWRUG, opening submissions at [25]–[32] and OWRUG, closing submissions at [21]–[26].

[33] Otago Regional Council *Section 32 Evaluation Report: Proposed Plan Change 7 to the Regional Plan: Water for Otago* (18 March 2020). CB Tab 11.

the Regional Council's processes, including the content of the s 32 Report.

[43] A challenge to any of the provisions of a proposal[34] may be made in a submission under Schedule 1 or – as is the case here where the proposal has been called in – pursuant to ss 149E and 149F of the Act.[35] The challenge being made does not prevent the persons hearing the submission on a proposal from having regard to the matters stated in s 32.[36]

[44] The leading decision on challenging a s 32 Report, is *Kirkland v Dunedin City Council*.[37] Here the Court of Appeal was considering challenges made under s 32(3); the Act was subsequently amended in 2003.[38] Nevertheless, the Court's observations remain pertinent; namely a submitter may legitimately seek to bolster their attack on the provisions by highlighting the failure to carry out a s 32 analysis.[39] When considering the merits of the proposal, the decision-maker may be influenced by an absence of a proper analysis or deficiency in some other way.[40] The decision-maker cannot, however, act as if it were judicially reviewing the process adopted by the Regional Council under s 32 and direct that it withdraw the plan change and recommence the process.[41]

[45] It is not suggested that the Regional Council made no effort to comply with s 32. Rather, the main concern is whether the Regional Council considered measures other than recommended by the Minister.[42] We find that the Regional Council did consider alternatives in its report.

---

[34] In s 32A(3) a 'proposal' means a proposed plan change for which there must be an evaluation report or further evaluation report.
[35] RMA, s 32A(1).
[36] RMA, s 32A(2).
[37] *Kirkland v Dunedin City Council* [2002] 1 NZLR 184 (CA).
[38] The relevant provision when considering an alleged failure to carry out a s 32 evaluation, is RMA s 32A.
[39] *Kirkland v Dunedin City Council* [2002] 1 NZLR 184 (CA) at [11].
[40] *Kirkland v Dunedin City Council* [2002] 1 NZLR 184 (CA) at [21].
[41] *Kirkland v Dunedin City Council* [2002] 1 NZLR 184 (CA) at [22].
[42] See, for example, Martin, EiC dated 5 February 2021 at [48].

[46] The problem being addressed by the plan change concerns the reconsenting of hundreds of water permits expiring between December 2019 and December 2025 under a regional plan that does not give effect to the NPS-FM (any version); and does not deal adequately with environmental effects nor contain effective measures to reduce over-allocation and drive efficient resource use (among other matters).[43] The report writer evaluates a short-term controlled activity (six years) and alternatives that provide for longer-term permits (15 years).[44] The author does not evaluate the status quo option; namely the consideration of applications to reconsent existing permits under the operative regional plan as they did not regard this to be a viable option.[45]

[47] Many submitters/parties do regard the operative regional plan as an alternative to PC7 and we have considered their submissions when making our decision.

[43] Section 32 Report, 12-14.
[44] Section 32 Report, 15-17.
[45] Section 32 Report, 14.

Annexure 2: Scope Challenges

[1] This is the first occasion where a plan change has been referred directly to the Environment Court for determination. Given the large number of parties[1] both represented and unrepresented, the court asked the Regional Council to bring to its attention submissions that it considered may be beyond scope.

[2] All submissions must be on or about PC7, including any relief proposed. If the submission is not on or about PC7, the court does not have jurisdiction ('scope') to grant the relief sought.

Principles relevant to decision-making and the court's jurisdiction

[3] The Minister for the Environment called-in PC7 from Otago Regional Council and referred the proceeding to the Environment Court for decision.[2] Before PC7 was called-in, the Regional Council had already notified the plan change[3] and submissions on the plan change had been received. Even so, there was a second opportunity to make submissions,[4] the Act treating the first tranche of submissions to the Regional Council as if they were submissions made to the EPA.[5]

[4] The Environment Court, when considering the plan change, must apply cl 10(1) to (3) of Schedule 1 to the Act as if it were a local authority.[6] Schedule 1 provides that the local authority must give a decision on the provisions and matters

---

[1] Note: the court must consider all submissions filed whether or not the submitter is a party to the proceeding.
[2] RMA, s 142(2).
[3] Note: RMA, s 149E uses the term "proposed plan" and not "plan change". Section 43AAC RMA defines "proposed plan" as including a "change to a plan" proposed by a local authority and notified under cl 5 Schedule 1 RMA. To assist readers, we use the term "plan change" where "proposed plan" appears in the Act.
[4] RMA, s 149E(1).
[5] RMA, s 149E(10).
[6] RMA, s 149U(1).

raised in submissions.[7] The decision:

(a) must include the reasons for accepting or rejecting the submissions and, for that purpose, may address the submissions by grouping them according to –

(i) the provisions of the proposed statement or plan to which they relate; or

(ii) the matters to which they relate.

[5] The court is not required, however, to give a decision that addresses each submission individually.[8]

"On" or "about" the plan change

[6] To date, case law establishing principles relevant to jurisdiction have been concerned with whether a person has made a submission that is "on" the plan change because that is the language used in Schedule 1.[9]

[7] However, sections of the Act empowering the Minister to call-in plans do not use the same language. Instead of the public making a submission that is "on" the plan change,[10] they are now to make a submission "about" the [called-in] plan change.[11]

[8] The difference, if any, in the meaning of "on" or "about" may be of moment when considering whether the principles established by case law continue to apply. Section 5 of the Interpretation Act provides that the meaning of an enactment must be ascertained from its text and in the light of its purpose.

---

[7] RMA, Schedule 1, cl 10(1).
[8] RMA, Schedule 1, cl 10(3).
[9] RMA, Schedule 1, cl 6(1).
[10] RMA, Schedule 1, cl 6(1).
[11] RMA, s 149E(1).

[9] The Oxford and Cambridge Dictionaries[12] define "about" as meaning "on the subject of" concerning or connected with. In their statutory context, the terms "on" or "about" are prepositions, both of which concern the same subject matter and are for the same purpose – namely enabling persons to make a submission on a publicly notified plan change. A cross-check against the wider statutory context reveals that the propositions "on" and "about" are used interchangeably when dealing with the same subject matter.[13]

[10] Therefore, we accept the Regional Council's submission that the principles established by the senior courts when establishing jurisdiction to grant relief apply.[14]

Is the submission "on" or "about" the plan change?

[11] The following two-part test helps identify whether a submission is on (or about) the plan change. A submission is on the plan change if:

(a) the submission addresses the extent to which the plan change would alter the status quo; and

(b) the submission does not cause the plan change to be appreciably amended without real opportunity for participation by those potentially affected.[15]

First limb

[12] The first limb of the test acts like a *filter;* it ensures there is direct connection between the submission made and the degree of alteration proposed to the notified

---

[12] Online Dictionaries.

[13] See RMA, ss 149E and 149F and see also the section heading.

[14] Legal submissions on behalf of the Otago Regional Council, '(ORC, supplementary submissions (April))' at [9]–[12].

[15] *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP 34/02, 14 March 2003 at [66].

version of the plan change.[16] The enquiry under this limb is to identify the breadth of alterations proposed under the plan change to the planning status quo and, second, to ascertain whether the submission seeks to address those alterations.

[13] When thinking about scope, the s 32 Report can be a useful guide. If the submission raises matters that should have been addressed in the s 32 Report, but were not, the matters are unlikely to fall within the ambit of the plan change. Incidental or consequential changes are permissible provided that no substantial s 32 analysis was required to inform affected persons of the comparative merits of that change.[17]

[14] The content of a s 32 Report is not the test, but a means of analysing the status quo at issue. The report should not be understood to fix the final frame of the plan change nor any individual position. Rather, its relevance, in this context, is as an indicator of the scope of the plan change where this is unclear or ambiguous.[18]

Second limb

[15] The second limb of the test focuses on the fairness of process, "…ensuring those potentially affected are both notified and have the opportunity to have their say".[19] If the plan change can be amended without the public having a real opportunity to participate, this will be a powerful consideration against finding the submission was on the plan change.[20]

Is the amended relief sought within the scope of the submission made?

[16] It is not unusual for relief to be amended in response to evidence called by

---

[16] *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290 at [80].
[17] *Palmerston North City Council v Motor Machinists Ltd* at [81].
[18] *Hawke's Bay Fish and Game Council v Hawke's Bay Regional Council* [2017] NZEnvC 187 at [44].
[19] *Mackenzie v Tasman District Council* [2018] NZHC 2304 at [105].
[20] *Mackenzie v Tasman District Council* [2018] NZHC 2304 at [105].

other parties and its testing during a hearing. Even so, any proposed amendments must remain within the general scope of the notified plan change or the original submissions on the plan change or somewhere in between.[21]

[17] This need stems from the requirements of procedural fairness. One of the purposes in notifying the plan change, receiving submissions and further submission process, is to ensure that all are informed about what is proposed, "otherwise the plan could end up in a form which could not reasonably have been anticipated resulting in potential unfairness".[22]

[18] The amendments pursued must, therefore, remain within what was fairly and reasonably raised in the original submission lodged on the plan change.[23]

[19] Adding complexity is the fact that local authorities usually face multiple submissions, often conflicting and often prepared by persons without professional help. Councils need to be able to deal with the reality of the situation.[24] That being the case, the assessment about whether any amendment was reasonably and fairly raised in the course of submissions is to be approached in a realistic workable fashion.[25] This approach requires:[26]

> …that the whole relief package detailed in submissions be considered when determining whether or not the relief sought is reasonably and fairly raised in the submissions...

[20] The fact that a submission does not identify the relevant provision to be amended is not determinative. The High Court in *Albany North Landowners v*

---

[21] *Re Vivid Holdings Ltd* (1999) 5 ELRNZ 264 at [19].
[22] *General Distributors Ltd v Waipa District Council* (2008) 15 ELRNZ 59 (HC) at [55].
[23] *Countdown Properties (Northlands) Ltd v Dunedin City Council* [1994] NZRMA 145 (HC) at 166.
[24] *Countdown Properties (Northlands) Ltd v Dunedin City Council* [1994] NZRMA 145 (HC) at 165-166.
[25] *Royal Forest & Bird Protection Society Inc v Southland District Council* [1997] NZRMA 408 (HC) at 410.
[26] *General Distributors Ltd v Waipa District Council* (2008) 15 ELRNZ 59 (HC) at [60].

Auckland Council[27] observed:

> [149] First, as noted at [114] and [135], there can be nothing wrong with approaching the resolution of issues raised by submissions in a holistic way — that is the essence of integrated management demanded by ss 30(1)(a) and 31(1)(b) and the requirement to give effect to higher order objectives and policies pursuant to ss 67 and 75 of the RMA. It is entirely consistent with this scheme to draw on specific submissions to resolve issues raised by generic submissions on the higher order objectives and policies and/or the other way around in terms of framing the solutions (in the form of methods) to accord with the resolution of issues raised by generic submissions.

[21] Approached this way, the question about whether the submission is on or about the plan change will usually be a question of degree to be judged by the terms of the proposed change and of the content of the submissions.[28] It is important to keep in mind that the court cannot permit the plan change to be appreciably changed without a real opportunity for participation by those who are potentially affected.[29]

[22] That said, we turn next to the scope challenges.

Otago Fish and Game Council & Central South Island Fish and Game Council ('Fish and Game')

[23] Fish and Game seeks the following amendments to PC7:[30]

(a) amend policy, Policy 10A.2.2 and insert a new non-complying activity rule, Rule 10A.3.2.2, to apply to applications for new water permits;

---

[27] *Albany North Landowners v Auckland Council* [2017] NZHC 138.

[28] *Countdown Properties (Northlands) Ltd v Dunedin City Council* [1994] NZRMA 145 (HC) at 166.

[29] *Clearwater Resort Ltd v Christchurch City Council* HC Christchurch AP 34/02, 14 March 2003 at [66].

[30] Closing legal submissions on behalf of the Otago Fish and Game Council and the Central South Island Fish and Game Council, 5 July 2021 ('Fish and Game, closing submissions') at [23]-[48].

and

(b) insert a new policy, Policy 10A.2.4, and a new table, Table 10A.2.4, to replace the "no more than minor" test.

[24] The Regional Council submits relief relating to 'new' water permits[31] is not "on" the plan change and secondly, the amended relief to replace the plan change's "no more than minor" test with a table, is not within scope of Fish and Game's submission.[32] Fish and Game disputes the Regional Council's submission on scope.[33]

Consideration

[25] In its original submission, Fish and Game gave partial support for Policy 10A.2.2 including the proposed six-year duration for new consents.

[26] Fish and Game also submitted on Policy 10A.2.3 and Rule 10A.3.2.1 which between them create a pathway for non-complying activities.

[27] Much of Fish and Game's criticism of the proposed pathway has been borne out and – as we have found elsewhere – the relevant provisions are proposed to be substantially amended.

[28] The public notice given by the local authority may be relevant when considering the issue of procedural fairness.[34] On this occasion the Regional Council's public notice records that the plan change was about an objective, policies and rules for the replacement of deemed and expiring permits; there is no mention of new water permits. The public notice given by the EPA mentions deemed and expiring permits adding that the plan change has a policy concerning the duration of new water permits. The Regional Council submits persons

---

[31] The amendments proposed to Policy 10A.2.2 and an associated rule.
[32] ORC, supplementary submissions (April) at [31]-[43].
[33] Fish and Game, closing submissions at [41]-[48].
[34] *Hawke's Bay Fish and Game Council v Hawke's Bay Regional Council* [2017] NZEnvC 187 at [46].

potentially affected by the plan change would not, on reading the notices, have foreseen the plan change introducing rules for new water permits.[35] However, we think this a too rigid application of the legal tests, which, if adopted, could stifle public participation in plan processes.[36]

[29] A key purpose of the notified plan change is to establish an interim framework to manage 'new water permits',[37] which it does by regulating the duration of resource consents. The s 32 Report states the plan change is to provide "direction on the consent duration".

[30] In its submission on the plan change, Fish and Game supported Policy 10A.2.2 but appears to have understood this policy as applying to both new permits and specified permits expiring by 31 December 2025. On that basis, Fish and Game proposed that applications seeking consent duration more than six years be assessed as non-complying activities. The relief sought is for a new rule to implement the proposed policy. We find this to be within scope of the plan change and assess its merits elsewhere.

[31] Secondly, in its submission on the plan change Fish and Game sought additional guidance be given to the "no more than minor" test in Policy 10A.2.3. In evidence, Fish and Game proposed the plan change be amended by setting thresholds above which adverse effects on ecological health are likely experienced. They propose MALF be used to benchmark the "no more than minor effect" of cumulative abstraction from a waterbody. The table and accompanying policy are said to fall within Fish and Game's original submission on Policy 10A.2.3 and Rule 10A.3.2.1 that "additional guidance should be given to the 'no more than minor' test".

---

[35] ORC, supplementary submissions (April) at [31]–[38].

[36] A similar note of caution can be sounded when considering s 32 reports; per *Mackenzie v Tasman District Council* [2018] NZHC 2304 at [100].

[37] Objective 10A.1.1 of the notified plan change.

[32] The problem being addressed by Fish and Game lies with the architecture of the Policy 10A.2.3 which effectively shuts the door to all non-complying activities. Many submitters made submissions on the policy's "no more than minor" test.

[33] While the original submission is on the plan change, at issue is whether the amended relief – thresholds by which to screen "no more than minor effects" – remains within the scope of its submission. Merits aside, we find the relief could not have been reasonably foreseen from Fish and Game's submission and consequently persons potentially affected by the threshold have not had an opportunity to take an active part in this hearing. The court does not have jurisdiction to grant this relief (now proposed Policy 10A.2.4 and Table 10A.2.4).

Territorial Authorities

[34] Five Territorial Authorities made submissions on the plan change. At the close of the hearing the Territorial Authorities sought, amongst other amended relief:

(i) the inclusion of a new restricted discretionary activity rule, Rule 10A.3.1A.2 (the 'May 2021' relief);[38] or

(ii) the inclusion of two new restricted discretionary activity rules, Rule 10A.3.1A.2 and Rule 10A.3.1A.3 (the 'July 2021' relief).[39]

[35] The May and July 2021 relief introduce policy and rules for new and replacement consents expiring in 2035. The amended relief would see either all new and replacement community water schemes assessed under PC7 only (May 2021 relief) or alternatively, new community water schemes would be assessed under the operative Regional Water Plan (only) or under both the operative

---

[38] See Twose, supplementary evidence dated 12 May 2021.

[39] Territorial Authorities, memorandum of counsel filed 5 July 2021.

Regional Water Plan and PC7 (July 2021 relief).

[36] The Regional Council challenges the inclusion of any rule for activities other than replacement permits. The Regional Council says the proposed rule would preclude the consent authority from assessing the effect of the proposed activity on the environment, including the effects on other water users. The Regional Council submits the amended relief could not have been reasonably foreseen by potentially affected persons who, not having an opportunity to respond, are precluded from being heard in relation to the same.[40]

[37] The Territorial Authorities defend their amended relief submitting that it is on the plan change because it responds to policy in Policy 10A.2.2 on the duration of new water permits. If PC7 is approved by the court without amendment, they say they could not meet their statutory obligations to provide drinking water to their communities.

[38] Referring to the relevant tests (above), counsel for the Territorial Authorities submits that the issue of scope is to be determined by first enquiring into the "functional effect of the plan change on the status quo" and secondly, considering "procedural fairness implications".[41] However, we find counsel's "functional effect" enquiry conflates the merits of the amended relief with the court's jurisdiction to approve the same.[42]

[39] We have read each of the TAs' submissions to ascertain whether the court has jurisdiction to consider the amended relief. In summary:

---

[40] ORC memorandum 'In relation to Scope for Relief Sought by Territorial Authorities' dated 9 June 2021 at [7]. We note ORC did not make submissions in relation to the July 2021 amended relief but, we assume, the same concerns arise in relation to both the May and July 2021 amended relief. ORC, closing submissions as to scope at [136]-[145] and implications as to natural justice at [146]-[151].

[41] TAs, 'Closing, Scope and Court Questions', dated 1 July 2021 ('TAs, closing submissions') at [8].

[42] TAs, closing submissions at [9]-[23].

- Central Otago District Council – it is difficult to ascertain from the District Council's submission the relief sought. There appears to be no relevant submission on the duration of new or replacement water permits for community water supplies specifically. There is a general submission on short-term permits, which contemplates new rules being introduced to tie the duration of the permit to the date that a future regional water plan becomes operative;
- joint submission of Clutha District Council and Waitaki District Council – in recognition of the importance of community water supplies the District Councils seek PC7 be rejected or to make an exception for community water schemes listed in Schedules 1B and 3B of the operative Regional Water Plan;
- Dunedin City Council – wishes replacement consents for existing community water schemes be assessed as controlled activities under the operative regional plan. The City Council submits that having the certainty of a replacement consent is critical if communities are to have a safe and secure long-term supply to enable social, economic and cultural well-being and also to enable forward planning and long-term financial investment that is required; and
- Queenstown Lakes District Council – emphasising the importance of community water supply, would amend Policy 10A.2.2 and Policy 10A.2.3 to exempt 'community drinking water supplies'[43] and make ancillary changes to the rules so that these activities are subject to the rules in Chapter 12.

Consideration

[40] No submission on the plan change was made by a Territorial Authority seeking to manage all community water supply activities under PC7 exclusively

---

[43] Queenstown Lakes District Council proposed amendment to Policy 10A.2.3 talks about 'community water supplies' – it is not clear if the proposed difference in wording is material.

(the May 2021 relief). A cursory inspection of the s 32 Report confirms this outcome was not within the contemplation of the report writer. The guide contained in the plan change refers applicants for new water permits back to chapters within the operative regional plan, noting PC7's policy direction on duration.[44]

[41] One consequence of the May 2021 relief is that permits for new activities would be granted without an assessment of the effects of those activities on the environment or, if an assessment of effects is provided by the applicant, then with no outcomes for the environment stated in the plan change. People and communities[45] located in catchments that may, under a future regional plan, be determined to be over-allocated both in terms of water quantity and quality, and who may be adversely impacted by the taking and use of water by these supply schemes, have not had an opportunity to respond and be heard in relation to the Territorial Authorities' amended relief. We accept the Regional Council's challenge.[46] Insofar as new water permits are to be managed under PC7 alone, we find that the Territorial Authorities did not make a submission on PC7 providing scope for this relief and that the court does not have jurisdiction to grant the same. We find that there is scope under the QLDC submissions (at least) to consider the July 2021 relief supporting longer duration for new and replacement permits,[47] albeit that the original submission proposed that the rules in the operative regional plan apply to these activities.

[44] The merits of this relief are discussed elsewhere.

Trustpower

[45] In is original submission, Trustpower sought to enable replacement

---

[44] See PC7, 'How to Use the Regional Plan: Water'. Consequential amendments to this guidance were not proposed by TAs or Trustpower when seeking rules in relation to new permits.
[45] People and communities are considered part of the 'environment'. See RMA, s 2 definitions.
[46] See ORC, closing submissions at [136]-145].
[47] See QLDC submission on Policy 10A.2.2 and Policy 10A.2.3 and Rule 10A.3.1.1.

consents for hydro-electricity generation activities and secondly, to restrict the application of policies pertaining to short-term consents to irrigation activities (only).

[46] Ms S Styles, giving planning evidence in support of Trustpower, proposed amendments to Trustpower's relief. This was with the effect that all hydro-electricity generation activities are excluded from PC7's policies on duration and consent applications seeking a duration in excess of six years are discretionary activities.[48] Trustpower supports the amended relief proposed by Ms Styles.[49]

[47] Further, and by way of alternative relief, in closing Trustpower proposed to exclude the Waipori and Deep Stream Hydro-Electric Power Schemes from the plan change policies on duration.[50] All new and replacement consents associated with the schemes would also be assessed under the operative regional plan's policy on duration (Policy 6.4.19) except that environmental effects for the first six years of the proposed activity would not be considered. Resource consent for replacement permits would be required under PC7 with permits exceeding six-year duration (but expiring 2038) to be assessed as a restricted discretionary activity.[51]

[48] The Regional Council supports the recognition of the above schemes in PC7 by making express provision for replacement consents with an expiry date of 2035, not 2038 as proposed. All other hydro-electricity generation activities for which new or replacement consents are sought, would be subject to the policies limiting duration to six years.[52]

---

[48] Styles, summary of evidence dated 17 May 2021.

[49] Closing legal submissions on behalf of Trustpower Ltd, 2 July 2021 ('Trustpower, closing submissions').

[50] Trustpower, closing submissions, at [4.10].

[51] Trustpower, closing submissions at [Amended Appendix B handed up 2 July 2021]. 2038 is the date that the bundle of consents held by Trustpower in relation to Waipori and Deep Stream Hydro-Electric Power Schemes expire.

[52] ORC, closing submissions at [152]-[161], including [158] in particular.

Consideration

[49] Trustpower continues to support Ms Styles' amended relief in relation to replacement consents.[53]

[50] When proposing alternative relief in closing submissions, counsel for Trustpower did not address whether the relief fell within the court's jurisdiction. While the relief, presented in closing, respects the general scheme of the plan change in that new permits continue to require resource consent under the operative Regional Plan and replacement permits under PC7, Trustpower proposes environmental effects of its proposed new activities be discounted.[54]

[51] The amendment to Policy 10A.2.2[55] is not fairly and reasonably raised by Trustpower in its original submission. Troubling us, is the proposal that long-term consents for new activities may be approved without any assessment of the effects (including cumulative effects) of those activities during the first six years of those activities. While Ms Styles was consulted by Trustpower on its alternative relief, we did not have the benefit of hearing from her in person or to test the efficacy of what is now proposed or how it gives effect to the NPS-FM 2020 (in particular).

[52] We find that the court does not have jurisdiction to grant the alternative relief for new activities (Policy 10A.2.2) in Annexure B to counsel's closing submissions. Specifically, the court does not have jurisdiction to consider policy that would disregard the environmental effects of new permits for the first six years of the consent, as proposed.

[53] In its original submission on the plan change, Trustpower sought to limit the application of Policy 10A.2.2 to irrigation activities. We find, therefore, the amended relief to exclude hydro-electricity generation activities from this policy,

---

[53] Trustpower, closing submissions at [4.4].
[54] Trustpower closing submissions at [4.13]-[4.17] and original Annexure B Policy 10A.2.2
[55] Trustpower closing submissions: original Annexure B Policy 10A.2.2

is a submission that is within scope of the plan change, the merits of which we consider elsewhere.

Wise Response

[54] In closing submissions, counsel for the Regional Council raised the possibility that relief being pursued by Wise Response, specifically to introduce flow regimes into the plan change, may be out of scope.[56]

[55] Wise Response made submissions on the plan change seeking, amongst other matters, the inclusion of a flow regime for each of Otago's rivers. Wise Response supported its submission later proposing detailed amendments to the plan change.[57]

[56] The notified plan change introduced a new rule for controlled activities for replacement permits. The rule reserved control to the Regional Council in relation to minimum flow, residual flow or take cessation conditions (Rule 10A.3.1). This reservation attracted many submissions in opposition as it appeared to confer a discretion on the Regional Council to impose these types of condition without corresponding policy support. Accepting the criticism, the Regional Council subsequently proposed the matter of control be deleted.

Assessment

[57] Insofar as the ambit of the notified plan contemplates the introduction of methods supporting a flow regime, we find the Wise Response submission is on the plan change and its merits are considered elsewhere.

---

[56] Transcript WKS 9/10 (Maw) at 733.
[57] Filed by Mr D MacTavish on behalf of Wise Response on or after March 2021.

Minister for the Environment

[58] During the hearing the Minister for the Environment proposed amendments to Policy 10A.2.3 exempting community water supplies and hydro-electricity generation from this policy.

[59] The Regional Council submitted that these amendments were not within the scope of the Minister's submission on the plan change.[58] The Minister disputes the scope challenge.[59]

[60] Matters have moved on and we do not understand that the Regional Council is disputing that there is scope to amend the plan change this way and so this is not a challenge that the court need decide.

OWRUG

[61] OWRUG filed evidence seeking the following relief:

(a) decline PC7;
(b) alternatively, decline PC7 and amend policies and methods in the operative Regional Plan;
(c) alternatively, decline PC7 and create a transitional pathway in the operative Regional Plan for activities formerly the subject matter of a permit, to be permitted.

[62] In respect of the two alternative options, the amendments were proposed to Chapters 6 and 12 of the operative regional plan. In the second week of the hearing the court asked counsel for OWRUG to clarify whether the alternatives were within the scope of the plan change. In response, OWRUG abandoned its

---

[58] ORC supplementary submissions (April) at [50]-[51].
[59] Closing submissions of the Minister for the Environment, 5 July 2021 ('MfE closing submissions') at [14]-[15].

alternative relief,[60] confirming in closing that the decision sought from the court is to reject the plan change.[61]

[63] Given that, the court invited OWRUG to propose amended relief. However, to be granted, the amended relief must fairly and reasonably lie within scope of OWRUG's original submission.

[64] Ms S Dicey, on behalf of OWRUG, proposed new policy and a new discretionary activity rule for replacement water permits. She deposed the amended relief was within scope of the original submission because it is a lesser alternative than outright rejection of the plan change.[62]

[65] The Regional Council submits OWRUG's amended relief is not within the scope of OWRUG's submission on the plan change as it is not relief that could be reasonably foreseen, nor is it a logical consequence of other relief sought. This submission OWRUG dismissively characterises as a 'technical foot trip'.[63]

[66] OWRUG supports its position observing that other parties/submitters are also seeking discretionary activity pathways when replacing existing permits. OWRUG's standing to be heard in this proceeding is because it is a person who made a submission on the plan change. OWRUG does not explain the relevance of the relief sought by other submitters/parties to its position on scope and it is unclear what ruling OWRUG seeks from the court: *possibly* that it is permissible for OWRUG to rely on relief proposed by another. If this is what is being contended, OWRUG has not made further submissions in support of the relief sought by those submitters.

[67] It is a basic requirement of procedural fairness that all are "sufficiently

---

[60] OWRUG, memorandum 'as to relief sought', dated 17 March 2021.
[61] Closing submissions of OWRUG, 5 July 2021 ('OWRUG, closing submissions') at [1].
[62] New Objective 10A.1.2, new Policy 10A.2.3, amendment to Rule 10.1A.1 and new Rule 10A.3.2.1, amendment to Rule 10A.3.2 and new Rule 103.2.1.
[63] OWRUG, closing submissions at [36].

informed" about what is proposed.[64] OWRUG amended relief seeking a discretionary pathway does not achieve this. However, given that the argument was not developed by OWRUG in closing submissions, we decline to make a finding on scope. Instead, we keep in mind its submission when deciding whether to reject the plan change and secondly, when considering the merits of relief proposed by other parties that there be provision for longer duration permits.

[64] *Vernon v Thames-Coromandel District Council* [2017] NZEnvC 002 at [15].

Annexure 3: Legislation relevant to Territorial Authorities

[1] Set out below is a brief summary of three statutes of relevance to the community water supplied by Territorial Authorities ('TAs').

Health Act 1956

[2] Section 69S(1), in pt 2A of the Health Act, provides that every networked supplier must ensure that an adequate supply of drinking water is provided to each point of supply. The TAs are networked suppliers.[1] Drinking water is defined by the Health Act and includes water available for supply that is suitable for drinking and other forms of domestic and food preparation use. The definition excludes water used by animals or for irrigation.[2] 'Adequate supply' means, in relation to drinking water supplied to a property, the minimum quantity required by the occupants for their ordinary domestic and food preparation use and sanitary needs.[3]

[3] While TAs supply treated water for stock and irrigation, s 69S(1) does not apply to water supplied for these uses. The exclusion of these uses aligns with the purpose of pt 2A of the Health Act which is to protect the health and safety of people and communities by promoting supplies of safe and wholesome drinking water from all drinking water supplies.

---

[1] TAs, opening submissions at [41]-[45] and elsewhere. A 'networked supplier' distributes water through a piped system.

[2] Health Act s 69G.

[3] Health Act s 69G. 'Adequate supply' also defined in relation to regulations setting quantity of supply.

Local Government Act 2002

[4] The purpose of local government is, amongst other matters, to promote the social, cultural, economic, environmental and cultural well-being of communities.[4] This purpose is implemented through pt 7, subpt 2 of the Local Government Act 2002 ('LGA') which imposes obligations and restrictions on local authorities in relation to the delivery of water services. Under the LGA, TAs are obligated to continue to provide water services and maintain capacity to meet obligations under this subpart.[5] 'Water services' includes 'water supply'; 'water supply' means the provision of drinking water to communities by network reticulation to the point of supply of each dwelling house and commercial premise to which drinking water is supplied.

Civil Defence Emergency Management Act 2002

[5] Under Civil Defence Emergency Management Act 2002, TAs are 'lifeline utilities' with duties imposed under s 60.

[4] Local Government Act 2002, s 3(d).
[5] Local Government Act 2002, s 130(2).

Annexure 4: Water Quality

Introduction

[1] Dr A Snelder, Land Water People Ltd ('LWP'), was engaged by ORC, to evaluate the most up to date available data on water quality in the region and to grade each site into relevant attribute bands as designated in Appendix 2A and 2B of the NPS-FM 2020.[1] He said that this work had been undertaken for records up to June 2020 and reported on in a document entitled *State of Lake and River Water Quality in the Otago Region* which was provided by LWP to the Council in January 2021.[2]

[2] This document or report presented the results of the study but did not provide any interpretation of the results.

[3] Later in May 2021, Dr Snelder produced a second report entitled *State and Trends of River and Lake Water Quality in the Otago Region 2000–2020* authored by Ms R Ozanne, Freshwater Science Team for ORC (the 'State and Trends Report').[3] This second report describes the state and trends in water quality in rivers and lakes across Otago on a site-by-site basis relative to targets in the National Objectives Framework ('NOF') of NPS-FM 2020.[4]

[4] Note all references to the NPS-FM in this annexure are to the NPS-FM 2020.

[5] We have prepared the following edited version of the Executive Summary of the State and Trends Report as an overview of ORC's water quality monitoring

---

[1] Snelder, EiC dated 19 February 2021 at [7]-[9].
[2] Snelder, EiC dated 19 February 2021 at [7]–[9].
[3] Snelder, statement of evidence in reply dated 20 May 2021 at [4].
[4] Snelder, statement of evidence in reply dated 20 May 2021 at [6].

and sampling programme and the trends and patterns which have emerged from this programme:

The Programme

State analysis was undertaken based on water quality samples collected over a five-year period from 1 July 2015 to 30 June 2020 and compared to the five-year period 1 July 2012 to 30 June 2017, which is defined as the baseline state (NPSFM, 2020).

The water quality analysed represented 10 physico-chemical and microbiological variables and biological indicators for 124 monitoring sites in the region. The sites included ORC monitored river sites (110), NIWA monitored National River Water Quality Network (NRWQN) sites (5) and ORC monitored lake sites (9 lakes, 22 sites/depths). While all variables were evaluated for state and trends at all sites (when sufficient data was available), the State and Trends Report describes only river state and trends for the variables that specifically relate to the NPSFM 2020; chlorophyll-a, total nitrogen, total phosphorus, ammoniacal-nitrogen, nitrate, suspended fine sediment, macroinvertebrate community index (MCI), macroinvertebrate average score per metric (ASPM), dissolved reactive phosphorus and E. coli. Sites were graded as an NOF Band (A, B, C, D, and for E. coli) (for NOF Criteria) for each variable based on a comparison of the assessed state with the relevant criteria.

Trend analysis was carried out for 10-year and 20-year periods ending on 1 September 2020 for all site and water quality variable combinations that met a minimum requirement for numbers of observations.

Individual site trend estimates were aggregated, to provide an overall picture of trends for the region.

The results

> For the 10-year trend period the predominant trend direction was variable by water quality analyte[5] but the 20-year trends were predominantly degrading for all variables apart from ammoniacal nitrogen.
>
> The most obvious pattern associated with the assessment of water quality state was that almost all sites passed the NOF criteria for ammoniacal-N toxicity and nitrate toxicity. There were obvious spatial patterns associated with the variation in grades, with water quality being best at river and stream reaches located at high or mountainous elevations under predominantly native cover. These sites tend to be associated with the upper catchments of larger rivers (e.g. Clutha River/Matau-Au) and the outlets from large lakes (e.g. Hawea, Wakatipu and Wanaka).
>
> Water quality is generally poorer at sites located on smaller, low-elevation streams that drain pastoral or urban catchments.
>
> *The trends*
>
> There is a lack of detailed information held by ORC on local or catchment scale land use change or land management practice changes. This severely limits ORC's ability to comment on drivers of trends evident across Otago. This is likely to be addressed by requirements in the NPSFM 2020, which requires that freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

[6] With respect to attribute states and bands of water quality, the report describes these in the following terms:[6]

> …. the NOF in NPS-FM 2020 defines categorical numeric attribute states in four (or five) attribute bands designated A to D (or A to E, in the case of the E. coli attribute). These bands represent a graduated range of support for environmental values from high (A band) to low (D or E band). For most attributes, the D band represents a condition that is unacceptable (with the threshold between the C and the D band being referred to as 'bottom line') in any waterbody nationally. In the

---

[5] An analyte is a substance or chemical constituent which is of interest in an analytical procedure.
[6] State and Trends Report at [4.1.1].

> case of the NO_3N (toxicity) and NH_4N (toxicity) attributes in the NPS-FM, the C band is unacceptable, and for the DRP attribute, no bottom line is specified.
>
> The primary aim of the attribute bands is as a basis for objective setting as part of the NOF process. The attribute bands are intended to be simple shorthand for communities and decision makers to discuss options and aspirations for acceptable water quality and to define objectives. Attribute bands avoid the need to discuss objectives in terms of technically complicated numeric attribute states and associated numeric ranges. Each band is associated with a narrative description of the outcomes for values that can be expected if that attribute band is chosen as the objective. However, it is also logical to use attribute bands to provide a grading of the current state of water quality; either as a starting point for objective setting or to track progress toward objectives.

[7] The water quality monitoring took account of a range of factors. These include the degree to which the attribute states can be measured with precision, the effects of variability in river flows, seasonal variations, whether trend assessments are adequately distributed over time, and the use of statistical models for determining trends and trend rates.

[8] Nine confidence levels were used to describe trends for improving water quality ranging from *"virtually certain"* (to improve) to "*exceptionally unlikely*" (to improve).[7]

[9] Localised information on water quality, trends and patterns was provided for each of the Freshwater Management Units ('FMU's) established by ORC across the region. These FMUs give effect to NPS-FM 2020 and incorporate the concept of ki uta ki tai (from the mountains to the sea).[8]

[10] There are five FMUs, Clutha/Mata-Au, Taieri, North Otago, Dunedin Coastal and Catlins. The Clutha/Mata-Au FMU has been divided into five sub-

---

[7] State and Trends Report at [4.2.12 Table 2].
[8] State and Trends Report at [2.2].

areas, or 'rohe', for a more tailored water management approach in these areas identified as the Upper Lakes rohe, Dunstan rohe, Manuherekia rohe, Roxburgh rohe and Lower Clutha rohe.

[11] What follows are our synopses of the report's findings on water quality and trends in each of the FMUs/rohe.

Upper Lakes rohe[9]

[12] For the majority of sites in this rohe, water quality is excellent and is the best in Otago.

[13] The exceptions are at Bullock Creek (an urban stream running through Wanaka township) where periphyton and bacterial water quality are below the national bottom line and in the Rees, Makarora and Quartz creeks where localised bacterial water quality is below the national bottom line.

[14] Trend analyses for rivers in this rohe show an "*exceptionally unlikely*" improving trend for NH_4N and nitrate (measured as NNN) toxicity in the Matukituki River and a "*virtually certain*" improving trend for total phosphorous ('TP') in the Dart and Matukituki rivers.

Dunstan rohe[10]

[15] For the majority of sites in this rohe, water quality is excellent.

[16] The Cardrona River has "*exceptionally unlikely*" or "*extremely unlikely*" improving trends for *E.coli*, total nitrogen ('TN'), NNN, and Semi-Quantitative Macroinvertebrate Community Index ('SQMCI') with similar trend assessments applying to turbidity in Mill Creek, Luggate Creek and the Kawarau and NNN in Luggate Creek. The NNN trend for the Cardrona River is identified as possibly

---

[9] State and Trends Report at [49].
[10] State and Trends Report at [59] and [60].

being linked to increasingly intensive land use associated with irrigation in the lower Cardrona. Mill Creek has improving trends in dissolved reactive phosphorous ('DRP'), *E.coli*, NNN, TN and TP. The report notes that the reasons for these trends have been difficult to assess in the absence of accurate information on changes in land use and land management practices around the river.

Manuherekia rohe[11]

[17] For the Manuherekia River, while water quality is excellent for all attributes measured above Falls Dam, bacterial water quality deteriorates downstream of the dam to below the national bottom line at Ophir and Galloway. Bacterial water quality is also below the national bottom line at all tributary sites (Hills Creek, Thomsons Creek and the Poolburn) with Thomsons Creek and Poolburn also having poor water quality below the NPS-FM bottom line across all attribute states other than toxicity. The poor water quality in Thomsons Creek is likely to be replicated in all creeks originating in the Dunstan Mountains as these tributaries flow over productive farmland towards the Manuherekia.

[18] In terms of trends, there are a number of sites in tributaries in this rohe which have degrading water quality below the national bottom line which, when combined, are likely to be contributing to the degrading trends in the main stem of the Manuherekia.

[19] Dunstan Creek also has degrading trends for *E.coli*, NNN and turbidity and Ophir has an "*exceptionally unlikely*" improving trend for *E.coli*.

---

[11] State and Trends Report at [69].

Roxburgh rohe[12]

[20] For the majority of sites in this rohe, water quality is good with the NPS-FM's A band being achieved for most attributes.

[21] Suspended fine sediment is below the national bottom line in the Teviot and Benger Burn, most likely due to the input of sediment into these waterways from wind-driven wave resuspension at Lake Onslow.

[22] Given that climatic conditions are unlikely to change to any extent, there is an "*exceptionally unlikely*" improving trend for the Lake Onslow generated sediment in these waterways.

Lower Clutha rohe[13]

[23] In this rohe, there is generally poor water clarity and high bacteria and nutrient concentrations.

[24] Attributes below the national bottom line are *E.coli* at 12 of the 15 monitoring sites, suspended solids at 7 of the sites and DRP at 4 of the sites. Lovells Creek which flows into Lake Tuakitoto (a large freshwater wetland) scores poorly across all attribute states reflecting intensively grazed pasture with some scrub and plantation forestry. The lake itself also scores below the national bottom line for TP, TN and phytoplankton, with this unlikely to improve as the lake is shallow with poor flushing flows.

[25] In the Pomohaka catchment, bacterial water quality is severely degraded at all monitoring sites other than the lower Waipahi. The Heriot Burn, Crookston Burn, Waiwera River and Waipahi at Cairns Peak each have a range of attributes

---

[12] State and Trends Report at [76].
[13] State and Trends Report at [86] and [87].

which score below the national bottom line and all contribute to the degradation of the downstream main stem of the Pomohaka.

[26] On a positive note, ORC has been working with local groups to improve bacterial water quality with the aim under Plan Change 6AA to strengthen provisions for farm effluent management.[14]

[27] Over the last 10 years there have been far fewer degrading trends compared with the longer 20-year term in this FMU. The Heriot Burn has a "*virtually certain*" improving trend for *E.coli* and TN, the Wairuna "*virtually certain*" improvements in NH_4-N and DRP and the lower Pomohaka "*virtually certain*" improvements in DRP.

[28] On the other hand, the Waitahuna continues to have degrading trends for a range of attributes.

The Taieri FMU[15]

[29] The water quality in this FMU is generally good with the exception of DRP and periphyton. Notwithstanding this overall position, the tributaries in the Lower Taieri have some of the poorest water quality in the region with five sites failing to meet the national bottom line for *E.coli* and the Owhiro Stream having the worst level of compliance with NOF attribute states for any site in the FMU. This small stream flows across the Taieri plains where there are intensive areas of agriculture. Lake Waihola is also an eutrophic lake with attribute bands consistent with this condition.

---

[14] See comment below about the implementation of this plan change having been delayed.
[15] State and Trends Report at [98] and [99].

[30] While there have been improvements in attribute trends for some rivers (Stonehenge and Waipata) in this FMU, there are degrading trends for a number of waterways, particularly in the Lower Taeiri at Outram.

Dunedin Coast FMU[16]

[31] In this FMU, the Kaikorai Stream has an ammonia toxicity band below the national bottom line, the only site in Otago at this level. *E.coli* is below the national bottom line in seven of the eight sites monitored, as is TN at four of the sites. Bacterial water quality is severely degraded at all sites other than the Waitati River.

[32] Over the last 10 years, the trend analysis in this FMU has been for more improving trends than degrading trends.

North Otago FMU[17]

[33] For the North Otago FMU, all sites other than the Kauru and Upper Shag have at least one attribute below the national bottom line. For the 16 monitored sites, four have "D" bands for DRP, eight "D" bands for *E.coli* and four "D" bands for periphyton. MCI is mainly in the "C" or "D" bands. Oamaru Creek (an urban stream) has the most "D" bands with the Waiareka and Awamoko Creeks also having mainly "D" bands.

[34] We have noted what appears to be an apparent inconsistency between the trend information provided in the text of the report for this FMU and what is stated in the Summary. The text states that there have been many "*exceptionally unlikely*" improving trends over the 10 and 20 year periods, including the Clifton Falls (*E.coli*), Waianakarua (*E.coli*, NNN and TN) and Waiareka Creek (DRP and TP). Conversely, the summary states that there have been fewer degrading trends for rivers in this FMU over the last 10 years compared with the last 20 years with

---

[16] State and Trends Report at [107].
[17] State and Trends Report at [116].

the Waianakarua having three "*extremely likely*" or "*exceptionally unlikely*" improving trends.

Catlins FMU[18]

[35] While the Catlins FMU could be expected to have good water quality because of the intact nature of the headwaters and native vegetation, cleared valleys allow intensive farming activities. Bacterial water quality is degraded in the Owaka and Tahakopa rivers.

[36] There have been no degrading trends over the last 10 years with three "*extremely likely*" or "*very likely*" improving trends in the same period listed for NH_4N, DRP and turbidity.

Otago Region as a whole[19]

[37] There are 46 sites at rivers across the region where attributes do not meet the NPS-FM bottom line for *E.coli*, 40 sites which do not meet the NPS-FM bottom line for suspended fine sediment and 14 sites where DRP is in band "D". In addition, there are 25 sites (for TN) and 23 sites (for DRP) which are elevated above the 20% exceedance criteria in the MfE guidance criteria for managing NPS-FM periphyton attribute states in rivers.

[38] The 20 year trends across the region are predominantly degrading for all variables apart from ammoniacal nitrogen, while the predominant trend in the 10 year trend period varies depending on the water quality attribute.[20]

---

[18] State and Trends Report at [122].
[19] State and Trends Report at [123].
[20] State and Trends Report at [15.2].

Other Evidence

[39] As one the witnesses who gave evidence on water quality, Dr D Olsen for OWRUG was critical of the water quality analysis in the Skelton Report claiming this to be fragmentary and in some cases inaccurate.[21] He did not comment, however, in his written evidence on either the *State of Lake and River Water Quality in the Otago Region* report or the State and Trends Report as they had not been produced at the time he filed this evidence.

[40] However, when questioned during the hearing on the reports which he had read subsequently, he said that he did not agree with the State and Trends Report in that ORC did not have information available to explain environmental issues in the region, their locations and their causes. He said from his time working for the Regional Council, he was aware that there was a land cover database which could have been used to identify the effects on attribute states from changes in land use. Catchment studies had also been undertaken at that time to try and understand the consequences of land use changes.[22]

[41] Dr Olsen said that this information would have assisted with the interpretation of the drivers of the analytics in the two reports. For example, he said that there were reasons to explain why there were low attribute states in a number of the waterways referred to in the reports. These included Bullock Creek in Wanaka (which is an urban stream) and Thomsons Creek and Hills Creek in the Manuherekia rohe (where positive trends could be expected following the progressive conversion to spray irrigation in their catchments).[23]

---

[21] Olsen, EiC at [58].
[22] Transcript Dunedin WKS 1-3 (Olsen) at 1239 and 1240.
[23] Transcript Dunedin WKS 1-3 (Olsen) at 1242.

[42] Having said this, he agreed with Mr Maw that conversions did not automatically mean improved quality in water courses as these were often accompanied by intensification in land use.[24]

[43] He agreed also that while there was a connection between the use of water and the water quality in the receiving water bodies, this relationship could be complicated which made the development of rules to manage the relationship quite complex. When asked if he considered that there was sufficient scientific information available to meet the December 2023 deadline for the new land and water plan, he said that there should be although he qualified this by saying that, as he had not been employed by the Regional Council for around three years, he could not be sure.

[44] Dr Olsen agreed with the court that the work to develop specific water quality attribute limits to give effect to the NPS-FM was yet to be done.[25]

[45] He confirmed that implementation of Plan Change 6AA had been delayed although he said that he did not know why.[26,27]

[46] When questioned on the first of the two reports by counsel for OWRUG, Dr Snelder agreed that while there were a range of attributes states which met the NPS-FM "A" band, many did not.[28] His only questioning on the State and Trends Report was from the court seeking understanding of some of the graphic representations in this report.

---

[24] Transcript Dunedin WKS 1-3 (Olsen) at 1243.

[25] Transcript Dunedin WKS 1-3 (Olsen) at 1253 and 1254.

[26] Transcript Dunedin WKS 1-3 (Olsen) at 1256 and 1257.

[27] The ORC website notes that Plan Change 6AA amends the date at which certain water plan rules controlling discharge contaminant concentrations and rules on nitrogen leaching come into force from 1 April 2020 to 1 April 2026, by which time a new Land and Water Regional Plan will supersede the current water plan rules.

[28] This questioning focused on water quality in the Manuherekia and Taieri FMUs/rohe where OWRUG's membership is primarily based.

Consideration

[47] Dr Olsen was critical of the claim made in the second report that there was a lack of detailed information held by ORC on local or catchment scale land use change or land management practice changes. We note from our reading of the State and Trends Report that it did in fact provide at least a limited explanation of the drivers for water quality issues in many of the waterways (including for example why Bullock Creek in Wanaka has low attribute states). While the report refers to a lack of *detailed* information, we did not take this to mean that ORC holds *no* information.

[48] What can be seen from the summaries we have provided for the water quality in each of the FMUs/rohe and for the Otago region as a whole, is that while there are attributes which are positive in some waterways in some of the FMUs/rohe, the negatives are more numerous than the positives.

[49] Whether the ORC holds or does not hold adequate information was debated throughout this hearing. The debate was largely disconnected from the wider question as to the purpose for which the information is to be used i.e. is it to write a new regional plan or is it to assess applications for resource consent under the RWP? We have discussed the RWP elsewhere in the decision and will not repeat what we said there. We conclude this section by echoing the findings in the executive summary of the State and Trends Report: there is (currently) a lack of detailed information held by ORC on local or catchment scale land use change or land management practice changes.

Annexure 5: Water Quantity

[1] In this section of our decision we provide an overview of water quantity issues for the Otago region in the context of PC7.

[2] The region has been subdivided into nine FMUs/rohe based on major and minor catchment boundaries. The largest of these is the Clutha/Mata-Au FMU which covers 67% of the region with 88% of its mean flows coming from major sources in the Southern Alps. The mean flows in the five rohe which make up this FMU (as percentages of the total) are Upper Lakes 72%, Dunstan 15%, Roxburgh 4%, Manuherekia 3% and Lower Clutha 6%.[1]

[3] The significantly drier Roxburgh and Manuherekia rohe have a combined area about the same as the Upper Lakes rohe but with a combined mean flow of about one-tenth of the mean flow of the Upper Lakes rohe.[2]

[4] Water use across the region as indicated from the ORC consents database[3] has a total maximum rate of 155 m^3/s from 1638 consents.[4] This total includes 309 deemed permits[5] totalling 41.3 m^3/s mostly concentrated in the Dunstan, Manuherekia and Roxburgh rohe and Taieri FMU.

[5] Mr T De Pelsemaeker highlighted the need for a comprehensive reassessment of the current limits and environmental flows/levels and the objectives and policies that guide their setting as part of:

(a) a full review of the operative Regional Plan: Water for Otago under s 79 of the RMA;

---

[1] Henderson, EiC at [47].
[2] Henderson, EiC at [48].
[3] As at December 2020.
[4] Henderson, EiC at [50].
[5] For consumptive water.

(b) the development of a new framework for managing land and freshwater, including region-wide objectives, policies and methods; and

(c) the staged development of chapters for individual FMUs/rohe.[6]

[6] He advised that the levels of allocation for some freshwater bodies in the region are high in comparison with the current primary allocation limits set in the RWP. For example, the Schedule 2A Primary Allocation Limit for the Luggate Catchment is 500 l/s compared with a Consented Primary Allocation of 1,100.39 l/s; for the Manuherekia Catchment 3,200 l/s compared with 28,986.271 l/s and for the Taieri Catchment 4,860 l/s compared with 24,748.78 l/s.[7]

[7] He used these examples to support a precautionary approach being taken in the renewal of existing consents for surface water takes until such time as the Council has completed the steps required under the NPS-FM 2020 for setting take limits.[8]

[8] Mr De Pelsemaeker also highlighted that both water demand and water availability would be impacted by climate change as a result of changes in precipitation patterns with temperature rises, reduced snowfalls, particularly at lower levels, and earlier spring melts potentially affecting seasonal river flows.[9]

[9] Mr R Henderson for the Regional Council advised that there are a range of issues affecting the current coverage and continuity of flow recording in the region. These include a lack of monitoring in some catchments/sub-catchments, little or no measurements for smaller tributaries, diversions into and out of catchments,

---

[6] De Pelsemaeker, EiC dated 7 December 2020 at [67].
[7] De Pelsemaeker, EiC dated 7 December 2020 at [70]-[71].
[8] De Pelsemaeker, EiC dated 7 December 2020 at [74].
[9] De Pelsemaeker, EiC dated 7 December 2020 at [99].

abstractions for out of stream use and storage manipulation of flows. All of these create uncertainty in the flow data when allocating water for competing uses.

[10] Using the Manuherekia catchment as an example, he said that major points of difficulty for achieving a water balance[10] include:

(a) discontinuous flow data;
(b) few flow records unaffected by abstraction;
(c) incomplete records from storage reservoirs;
(d) uncertainty around rainfall in the catchment;
(e) extensive redistribution of water from more than 600 km of water races which not only intercept streams but also discharge water in a variety of generally unmeasured ways, such as the discharge of water at the end of a race system into a stream, leakage of water downstream of a metered location, the re-entry of water from overland run-off or seepage and the absence of a requirement to monitor takes of less than 5 l/s.

[11] The summed meter data in the Manuherekia is therefore higher than the total water used with the consequence that this overestimates natural flows for the catchment.

[12] Given the problems with the existing water modelling systems, the need to give effect to NPS-FM 2020 and the time constraints being faced by the Regional Council, the National Institute of Water and Atmospheric Research has been engaged to undertake a staged water resource assessment approach for the region as a whole.

[13] Mr Henderson said that this approach involves:

---

[10] Transcript Dunedin WKS 1-3 (Henderson) at 78: Water balance relates the volume of water coming into a catchment to the volume exiting the catchment.

(a) using national models calibrated for Otago in those catchments where water use is small relative to the resource or and/or where flow data is sparse or absent;

(b) using the approach adopted for the Lindis, Cardrona and Arrow catchments where there is better data availability and water use pressures are more acute;

(c) where complexity, pressure and data issues combine, adopting a more detailed approach based on rainfall runoff, water system modelling and inputs from information in consent applications such as those provided for the Taieri Catchment.

[14] To model behaviours in complex catchments such as the Manuherekia and Taieri which include irrigation applications, water storage and a network of water races, an analysis tool known as GOLDSIM is favoured. A bespoke version of GOLDSIM used some 12 years ago for the Manuherekia Catchment has recently been re-written by a collaborative group of hydrologists and is now at the testing stage, although not yet implemented. Mr Henderson advised that this has taken around a year to get to the current stage.

[15] Mr Henderson suggested there was a need for an equivalent bespoke model to be written for the Taieri catchment, although this had not been commissioned by the Council.[11]

[16] Mr M Hickey, for OWRUG, disputed Mr De Pelsemaeker's evidence that the Council had insufficient knowledge to implement the NPS-FM 2020 now. He argued that the time between February 2021 (when he wrote his evidence) and the December 2023 notification date for a new regional plan did not give the Regional Council time to rectify the data gaps identified by Mr De Pelsemaeker. He considered that where deemed permits dominated, there was already sufficient information to implement NPS-FM 2020 without the delay of PC7. This existing

---

[11] Transcript Dunedin WKS 1-3 (Henderson) at 87.

information was not confined to water quantity issues but extended across the range of ecological issues to be addressed under the policy statement.[12] In his opinion, the Manuherekia catchment existing data sets are already an adequate basis on which to build hydrological models and that the modelling work had effectively been done.

[17] Finally, Mr Hickey, noting Mr Henderson's evidence that in complex catchments, hydrological modelling can take two to three years to develop and complete, thought it unlikely that hydrological modelling for the Taieri and Kakanui catchments would be completed before notification of a new regional plan.[13]

Consideration

[18] There is, we find, a high degree of uncertainty in the reliability of the existing water quantity information held by the Regional Council. However, we do not find it necessary to take a view one way or the other as to whether the Regional Council's water resource assessment programme can be completed by the time of the notification of a new regional plan. Of more importance are our findings that the operative regional plan does not give effect to the three relevant national policy statements and likewise, also, the operative regional policy statement. Te Mana o te Wai is not an integral part of freshwater management in Otago and the weakly drawn objectives of the RWP provide no direction on outcomes for the environment (people and communities included).

[12] Hickey, EiC at 2 (Summary).
[13] Hickey, EiC at [55].

Annexure 6: Schedule 10A.4

Schedule 10A.4 (Methodology for calculating assessed actual usage for surface-water and connected ground water takes)

Overview

[1] In this section we provide an overview of Schedule 10A.4 and the amendments that are proposed and set out in the 12th JWS[1] and supported by all of the experts who participated in joint witness conferences on this topic.

[2] The notified version of the Schedule was strongly opposed by parties/submitters as the effect of its provisions is to reduce the volume of water historically taken and used – which is not its intended function.[2]

[3] The 12th JWS version provides for an application to be made for a replacement permit as a controlled activity. This is subject to the application demonstrating that the rate of take and daily, monthly and annual volumes of water applied for is no more than the maximum rate of take and volumes determined in accordance with Schedule 10A.4 and based on water meter data recorded up to 30 June 2020.[3]

[4] The Schedule provides for primary sector irrigation, community water supplies, and hydro-electricity generation a simple, objective and certain methodology allowing for a low-cost consent process for ensuring that the rate of

---

[1] 12th JWS dated 12 July 2021.

[2] De Pelsemaeker, EiC at [377]-[411].

[3] Presentation by Expert Witnesses For Environment Court dated 26 May 2021: Edited version of Item 4: When can I apply under the controlled activity pathway?

take and volume limits allocated in replacement consents do not exceed consented allocations under the existing permits as well as reflecting historical use.[4]

Amendments to the notified version

[5] The notified version of the Schedule was based on the consideration of five years of data (1 July 2012 – 30 June 2017), the average of the maximum rate of take in each year, the averages of the maximum daily and monthly volumes in each year and the average of the annual volumes.

[6] A range of concerns were raised about the Schedule's proposed use of averages. These were that the data period analysed was not representative of a 90 percentile (9 out of 10) dry year, that the use of average maximum rates and volumes did not reflect actual use and that if these average measures were adopted, applicants for resource consent would be left with less water than needed in high demand years.

[7] Responding to these concerns, during expert conferencing, a series of amendments to the notified version were recommended. These are:

- for the 1 July 2012 – 30 June 2017 date range to be amended to include all available water years (1 July – 30 June) up to 30 June 2020;
- for maximum rates of takes and volumes to be used instead of average maximums;
- for values above the current consent or permit limit to be adjusted down to that limit; and
- for data spikes to be removed from primary sector irrigation records.

[8] These changes are incorporated in the 12th JWS with the experts noting that the methodologies for adjusting down measurements deviating from the general

[4] Presentation by Expert Witnesses For Environment Court dated 26 May 2021: Edited version of Purpose and principle of Schedule 10A.4.

pattern of taking did not apply to community water supplies or hydro-electricity generation.

[9] If a water meter was installed and the applicant for a replacement permit or consent sought to use water data recorded post 30 June 2020 for determining historical use, the application would need to be processed under the restricted discretionary activity rule. Likewise, if the applicant sought that the Regional Council use the Aqualinc Guidelines 2017, gauging or synthetic flow data in the assessment of their application for determining historical use, this would also need to be considered under the restricted discretionary activity pathway.

What is a valid record and should there be a process for dealing with invalid records?

[10] Initially, the experts agreed that water meter records that had been through the verification process under the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 (amended in 2020) are valid.[5] Conversely, if an applicant sought to use non-verified data, this data could be considered under the matters of discretion in the restricted discretionary activity pathway.[6]

[11] Later, they modified their position, agreeing that there was no need in the Schedule to determine whether a water meter record was valid or not as imposing a validity test for data would create an unnecessary barrier for the controlled activity pathway for applicants with less than perfect records.[7] Instead, there was the alternative restricted discretionary activity pathway to apply in this situation. And as well, given the Schedule's methodology for excluding atypical data from irrigation records, there was a relatively lower risk of higher rates and volumes being included in the rate of take and volume calculations.

---

[5] 1st JWS dated 24/25 March 2021.
[6] 1st JWS dated 24/25 March 2021 at [24]-[26].
[7] 4th JWS Planners Schedule 10A.4 dated 7/8 April 2021.

Should the Aqualinc Guidelines be referred to in the Schedule?

[12] The experts agreed that the Aqualinc Guidelines did not fit within the controlled activity pathway and therefore should not be referred to in the Schedule. Instead, as noted above, if an applicant sought to use data generated from the Guidelines, the application would need to be considered under the restricted discretionary activity pathway.

Should water meter records post 30 June 2020 be included in the calculations for rates of takes and volumes?

[13] Early in their conferencing, the experts were unable to reach a consensus on whether water meter records post 30 June 2020 should be included in the rates of takes and volume calculations.[8] This was because of concerns about whether some water users might have ramped up their takes post the March 2020 notification date for PC7. Despite this earlier lack of consensus, by the end of their conferencing all of the experts agreed that the 30 June 2020 date should apply.

What should be the earliest date to apply for calculating historical rates of takes and volumes under the methodology in the Schedule?

[14] The experts agreed that historical records should extend as far back in time as the consent holder had water meter records, even if these pre-dated the introduction of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010. While there is the risk that the pre-2010 data could be unreliable, they said that this risk of unreliability also existed in the period since the regulations were introduced. And while there may have been changes to a measuring device, changes to infrastructure, changes to land use and changes to water use management, longer records had the advantage of being more likely to yield a greater distribution of annual use. In addition, the experts noted that changes to more efficient irrigation methods may not necessarily have resulted in

---

[8] 4th JWS Planners Schedule 10A.4 dated 7/8 April 2021 at [13]-[19].

a reduction in volumes taken and even though the likelihood was low, there could also have been reductions in the rates of take.

[15] Based on these factors, the experts decided that changes were not required to the period of water years which should apply in the 12 July 2021 amended version of the Rules in 10A.3.1 and the 12th JWS version of the Schedule.

[16] We also note that the restriction on total land area irrigated over a recent three-year period provides an important backstop that limits the extent to which irrigators could take advantage of historical water use from earlier periods and under inefficient infrastructure, such as wild or surface flooding and border dyke irrigation.

What role does the current ORC guidance document play in the application of the Schedule when it is not referred to in the Schedule?

[17] The initial response was that an updated guidance document was required but that it should not form part of PC7. Later, on the basis that the 12th JWS contained an objective method for removing atypical data from irrigation use records, the experts agreed that a guidance document would not be required for applications to be evaluated under this version.

Decision – Schedule 10.A.4 (Methodology for calculating assessed actual usage for surface-water and connected ground water takes)

[18] The 12th JWS version of the Schedule has been agreed to by all of the experts involved in its preparation and no party has raised any objection to its content.

[19] We are satisfied with the responses provided to the issues we raised on the Schedule and find that the 12th JWS version Schedule 10A.4, with one important amendment to the methodologies, should be incorporated in PC7. For clarity and consistency with the entry conditions to the controlled activity rule, the

requirement that no data after 30 June 2020 are to be used for calculating instantaneous take and daily, monthly and annual volumes are to be stated in the respective methodologies in Schedule 10A.4. The restricted discretionary activity pathway is available for applicants seeking to have data after 30 June 2020 considered.

Annexure 7: Decisions on Submissions[1,2,3,4]

Provision	ORC submission Number	Submitter ID	Submission Point ID	Further Submitter ID	Name	Support / Oppose	Decision requested (see submission for reasons)	Court
All Plan Change 7		70013	70013.01		Aepurist International	Not stated	An efficient, effective and fair regulatory framework that provides for greater security for the Otago Region and horticulture An Objective, Policies and methods for an interim framework that provides for longer term (20 year) replacement of permits with review conditions; without 'clawing back' allocation or preventing irrigation of land uses prior to a new Land and Water plan framework that gives effect to the NPSFM	Reject
All Plan Change 7		70014	70014.01		Leaning Rock Cherries Limited	Not stated	An efficient, effective and fair regulatory framework that provides for greater security for the Otago Region and horticulture An Objective, Policies and methods for an interim framework that provides for longer term (20 year) replacement of permits with review conditions; without 'clawing back' allocation or preventing irrigation of land uses prior to a new Land and Water plan framework that gives effect to the NPSFM	Reject
All Plan Change 7		70015	70015.01		PM Bennie Partnership	Not stated	An efficient, effective and fair regulatory framework that provides for greater security for the Otago Region and horticulture An Objective, Policies and methods for an interim framework that provides for longer term (20 year) replacement of permits with review conditions; without 'clawing back' allocation or preventing irrigation of land uses prior to a new Land and Water plan framework that gives effect to the NPSFM	Reject

[1] We have taken Mr De Pelsemaeker's equivalent table as our template and where we deviate from him we have tracked changed our decision.
[2] Public Health South filed a memorandum dated 10 December 2020 indicating its wish to withdraw from the proceedings. However, it is not clear whether it intended to withdraw its submission or simply not to appear in support, and so we have considered the submission.
[3] The court has recorded a 'reject' decision in relation to relief sought for non-consumptive takes where the desired controlled activity rule is tied relief in relation to other outcomes, such as duration. The controlled activity rule applies to non-consumptive takes.
[4] The court has recorded an 'accept in part' decision to the Director-General's of Conservation relief in relation to deemed permits and rights of priority. The court has not approved banding or other flow trigger, it has approved alternative relief.

All Plan Change 7		70016	70016.01		Central Organics and Springvale Orchards Ltd	Not stated	An efficient, effective and fair regulatory framework that provides for greater security for the Otago Region and horticulture An Objective, Policies and methods for an interim framework that provides for longer term (20 year) replacement of permits with review conditions; without 'clawing back' allocation or preventing irrigation of land uses prior to a new Land and Water plan framework that gives effect to the NPSFM	Reject
All Plan Change 7		70017	70017.01		Crag an Oir Trust Springvale Apple Growers Partnership	Not stated	An efficient, effective and fair regulatory framework that provides for greater security for the Otago Region and horticulture An Objective, Policies and methods for an interim framework that provides for longer term (20 year) replacement of permits with review conditions; without 'clawing back' allocation or preventing irrigation of land uses prior to a new Land and Water plan framework that gives effect to the NPSFM	Reject
All Plan Change 7		70019	70019.01		Layard Estates Limited and Little Orchard Family Trust	Not stated	An efficient, effective and fair regulatory framework that provides for greater security for the Otago Region and horticulture An Objective, Policies and methods for an interim framework that provides for longer term (20 year) replacement of permits with review conditions; without 'clawing back' allocation or preventing irrigation of land uses prior to a new Land and Water plan framework that gives effect to the NPSFM	Reject
All Plan Change 7		70024	70024.01		LG & JM Morris Limited (Lex Morris)	Oppose	Approve the plan change with amendments - would prefer the current rules and regulations to remain the same as we consider they are workable	Accept in part
All Plan Change 7		70025	70025.01		LG & JM Morris Limited (Janette Morris)	Oppose	Approve the plan change with amendments - would prefer the current rules and regulations to remain the same as we consider they are workable	Accept in part
All Plan Change 7		70026	70026.01		Dunedin City Council	Support	Recognise and provide for community water supplies for drinking water by amending PC7 so it does not apply to any existing take for community water supply for drinking water	Reject
				FS712	Public Health South	Support		Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support & oppose in part	No exemptions made for community water supply.	Accept
				FS714	Aukaha Ltd	Oppose		Accept
All Plan Change 7		70026	70026.02		Dunedin City Council	Support	Update Schedules 1B and 3B to include all existing community water supplies for drinking water	Reject
				FS710	Public Health South	Support		Reject
				FS714	Aukaha Ltd	Oppose		Accept
All Plan Change 7		70026	70026.03		Dunedin City Council	Support	Consider whether PC7 should only apply to catchments where over-allocation is an issue	Reject
				FS714	Aukaha Ltd	Oppose		Accept

All Plan Change 7		70027	70027.01		Loretta and Andrew Bush	Support	Approve the plan change	Accept in part
All Plan Change 7		70029	70029.01		Ray George Wright	Support	Approve the plan change with amendments - the short term permits should be limited to 5 years in duration, and any short terms consents be held within the minimum flow regime in the RPW	Accept in part
				FS705	Federated Farmers New Zealand	Oppose		Reject
All Plan Change 7		70030	70030.01		M Sole	Support	Support the development of an interim consenting framework for short term consents as the most practical way of implementing national direction.	Accept
All Plan Change 7		70031	70031.01		P and M Morrison	Oppose	An efficient ,effective and fair regulatory framework that provides for greater security for the Otago region and horticulture. An objective, policies and method for an interim framework that provides for longer term (20 years) replacement of permits with review conditions, without "clawing back" allocation or preventing irrigation of land uses prior to a new land and water plan framework that gives effect to the NPSFM.	Reject
All Plan Change 7		70033	70033.01		Central Otago Environmental Society Inc.	Support	Implement an interim consenting regime to ensure that issued consents are fit for purpose and do not undermine the implementation of the NPSFWM 2020. Consents issued going forward must implement the NPSFWM 2020.	Accept in part
				FS712	Public Health South	Support		Accept in part
				FS706	Horticulture New Zealand	Support		Accept in part
				FS714	Aukaha Ltd	Support		Accept in part
All Plan Change 7		70035	70035.01		Willowglen Farms Limited	Not stated	Approve the plan change with amendments (not indicated)	Accept in part
All Plan Change 7		70036	70036.02		Aotearoa New Zealand Fine Wine Estates Limited Partnership	Oppose	Approve the plan change with amendments (not indicated)	Accept in part
All Plan Change 7		70041	70041.01		Rotherwood Farming Ltd	Oppose	Decline the plan change	Reject
All Plan Change 7		70042	70042.01		B Zareh	Oppose	Approve the plan change with amendments	Accept in part
All Plan Change 7		70043	70043.01		J Sullivan	Support	Approve the plan change	Accept in part
All Plan Change 7		70044	70044.01		Blackstone Hill Limited	Oppose	Decline the plan change	Reject
All Plan Change 7		70047	70047.01		Otago Province Federated Farmers of New Zealand	Oppose		Reject
				FS712	Public Health South	Oppose		Accept
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
All Plan Change 7		70049	70049.01		Shag Valley Irrigators Group	Oppose	Decline the plan change	Reject
All Plan Change 7		70051	70051.01		L Stewart	Support	Implement an interim consenting regime to ensure that issued consents are fit for purpose and do not undermine the implementation of the NPSFWM 2020. Consents issued going forward must implement the NPSFWM 2020.	Accept in part
				FS712	Public Health South	Support		Accept in part

				FS714	Aukaha Ltd	Support		Accept in part
All Plan Change 7		70053	70053.01		G Eckhoff	Oppose	Decline the plan change	Reject
All Plan Change 7		70054	70054.01		P Murray	Not stated	Amend PC7 so decisions on short term permits are consistent with achieving the outcomes sought through the NPSFWM	Accept in part
All Plan Change 7	003	71003	71003.01		Darryl Sycamore	Oppose	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity.	Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
All Plan Change 7	006	71006	71006.02		Geoffrey Robert Crutchley	Oppose	In catchments where minimum flow settings are in place, (such as the Taieri) applications for renewal of Deemed Permits should proceed under the existing plan. In catchments where minimum flows have yet to be established, the status quo should be determined, and maintained while this work is completed. This should be achieved through the issue of non-notified interim consents based on evidence of use and historic rate and volume of take. There should be no averaging of maximum records, because seasonal supply and demand is highly variable for a host of reasons. Evidence of take should be matched with the irrigated area, based on Aqualink estimates of rainfall deficiency for the location and having regard for alternative sources. Evidence collected for this purpose and any associated council documents should be retained for use in any subsequent process for issue of a longer-term consent	Reject
				FS705	Federated Farmers New Zealand	Support		Reject
All Plan Change 7	006	71006	71006.03		Geoffrey Robert Crutchley	Oppose	The Council needs to accept that responsibility for the delay in implementing the current plan and meeting the 2021 deadline rests with the Council. They must ensure that the consequences of this failure are not borne by others. Preservation of the status quo should be the least that is afforded to affected parties while the Council gets this sorted.	Reject
All Plan Change 7	008	71008	71008.01		Marian Elizabeth Weaver	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	009	71009	71009.01		Heaney Road Partnership Ltd	Oppose	Wishes to see the whole of PC7 withdrawn and to allow all water permits to be processed under the current Water Plan policies and rules.	Reject
All Plan Change 7	011	71011	71011.01		Anne and Laurie McAuley	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	012	71012	71012.01		Donald Young	Oppose	Wishes to see the whole of PC7 withdrawn. If it can't be withdrawn it must be amended so that permits can be replaced under the existing water plan rules and policies.	Reject
All Plan Change 7	013	71013	71013.01		Lone Star Farms Ltd	Oppose	It is recommended to the Council or the Environment Court to process all Strath Taieri permits through the existing plan rules and policies and refuse all aspects of PC7.	Reject

All Plan Change 7	014	71014	71014.01		Sowburn Water Co Ltd	Oppose	The Taieri Catchment (including Sowburn Creek) water permits are 80% processed using the existing plan rules and policies. It is recommended that these continue to be processed through the existing plan rules and policies and refuse all aspects of PC7.	Reject
				FS712	Public Health South	Oppose		Accept
All Plan Change 7	015	71015	71015.01		Last Chance Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to introduce a simple permitted activity rule that enables current permits to be exercised until the new Land and Water Plan is operative.	Reject
				FS712	Public Health South	Oppose		Accept
All Plan Change 7	016	71016	71016.01		Gavan James Herlihy, Hamiltons Dairy Ltd	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	016	71016	71016.08		Gavan James Herlihy, Hamiltons Dairy Ltd	Oppose	The Environment Court direct the 7 ORC Councillor signatories to their letter dated 26 March to appear before the Court to further expand on their opposition to PC7.	Reject
All Plan Change 7	017	71017	71017.01		Benjamin Patrick Herlihy, Hamiltons Dairy Ltd	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	017	71017	71017.08		Benjamin Patrick Herlihy, Hamiltons Dairy Ltd	Oppose	The Environment Court direct the 7 ORC Councillor signatories to their letter dated 26 March to appear before the Court to further expand on their opposition to PC7.	Reject
All Plan Change 7	018	71018	71018.01		Duncan Cleugh Farming Trust	Oppose	Wishes to see the whole of PC7 withdrawn. Applications which have already been lodged with ORC, PC7 should have no bearing on how they are processed and granted.	Reject
All Plan Change 7	019	71019	71019.01		John Rowley	Not stated	Enable dams to be built to harvest precipitation and provide water storage so minimum flows can be maintained to meet the ecological requirements, increase irrigation and provide recreational opportunities for the growing population.	Reject
All Plan Change 7	020	71020	71020.01		Heritage Park Water Users	Not stated	The Plan Change be amended to provide for renewal of existing authorised takes for rural residential properties where no other water supply is available to be a Controlled Activity with Council's ability to impose conditions limited to amount of water to be taken, any adverse effects of the take on ground water and other users and any need to treat such water.	Reject
All Plan Change 7	021	71021	71021.01		Omakau Auto Centre	Oppose	Wishes to see the whole of PC7 withdrawn. Let the status quo stand.	Reject
All Plan Change 7	022	71022	71022.01		Robert Bruce Allan, Hamiltons Dairy Ltd	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	022	71022	71022.08		Robert Bruce Allan, Hamiltons Dairy Ltd	Oppose	The Environment Court direct the 7 ORC Councillor signatories to their letter dated 26 March to appear before the Court to further expand on their opposition to PC7.	Reject
All Plan Change 7	023	71023	71023.01		Gavan James Herlihy, Greenbank Pastoral Ltd	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject

All Plan Change 7	023	71023	71023.08		Gavan James Herlihy, Greenbank Pastoral Ltd	Oppose	The Environment Court direct the 7 ORC Councillor signatories to their letter dated 26 March to appear before the Court to further expand on their opposition to PC7.	Reject
All Plan Change 7	024	71024	71024.01		James Andrew Herlihy, Greenbank Pastoral Ltd	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	024	71024	71024.08		James Andrew Herlihy, Greenbank Pastoral Ltd	Oppose	The Environment Court direct the 7 ORC Councillor signatories to their letter dated 26 March to appear before the Court to further expand on their opposition to PC7.	Reject
All Plan Change 7	025	71025	71025.01		Catherine Mary Herlihy, Greenbank Pastoral Ltd	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	025	71025	71025.08		Catherine Mary Herlihy, Greenbank Pastoral Ltd	Oppose	The Environment Court direct the 7 ORC Councillor signatories to their letter dated 26 March to appear before the Court to further expand on their opposition to PC7.	Reject
All Plan Change 7	026	71026	71026.01		James Andrew Herlihy, Maniototo East Side Irrigation Co Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. The current Regional Water Plan is already "fit for purpose" for the Upper Taieri River catchment.	Reject
All Plan Change 7	026	71026	71026.02		James Andrew Herlihy, Maniototo East Side Irrigation Co Ltd	Oppose	The Environment Court direct the 7 ORC Councillor signatories to their letter dated 26 March to appear before the Court to further expand on their opposition to PC7.	Reject
All Plan Change 7	027	71027	71027.01		James Andrew Herlihy, Hamiltons Dairy Ltd	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	027	71027	71027.08		James Andrew Herlihy, Hamiltons Dairy Ltd	Oppose	The Environment Court direct the 7 ORC Councillor signatories to their letter dated 26 March to appear before the Court to further expand on their opposition to PC7.	Reject
All Plan Change 7	028	71028	71028.01		Robert James Stewart Rutherford	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	028	71028	71028.02		Robert James Stewart Rutherford	Oppose	The economic cost benefit analysis of PC7 is simplistic. The ORC should give a more in depth consideration to this, including a proper assessment of economic and social costs.	Reject
All Plan Change 7	029	71029	71029.01		Cherri Global Limited	Oppose	Otago Regional Council abandons Plan Change 7, and amends the RMA to extend the October 2021 deadline to October 2025 to align with the new NPS based water plan.	Reject
All Plan Change 7	030	71030	71030.01		Colin and Joan Cardwell	Oppose	Wishes to see the whole of PC7 withdrawn and their permits which are about to be lodged be processed under the current plan.	Reject
All Plan Change 7	031	71031	71031.01		Mt Barker Trust	Oppose	PC7 should provide a longer-term solution and more efficient solution for permit holders with consents due to expire prior to 2025.	Accept in part
All Plan Change 7	033	71033	71033.01		Nathan David Roberts	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	034	71034	71034.01		Maurice and Shirley Turner	Oppose	Wishes to see the whole of PC7 withdrawn. ORC to roll over all existing permits as they are, till 31st December 2025.	Reject

All Plan Change 7	036	71036	71036.01		MD and DG Jones Family Trust	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
All Plan Change 7	037	71037	71037.01		Harold Kruse Davidson	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	038	71038	71038.01		Jane Margaret Preston	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
All Plan Change 7	039	71039	71039.01		Richard Clark	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
All Plan Change 7	040	71040	71040.01		Peter John and Glenda Elizabeth McGrath	Oppose	Wishes to see the whole of PC7 withdrawn and ORC should finalise their comprehensive review of the Regional Plan: Water first.	Reject
All Plan Change 7	041	71041	71041.01		Carrick Station and Carrickburn Limited	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
All Plan Change 7	042	71042	71042.01		Kingsmill Wines	Oppose	The existing allocations should be extended indefinitely until the new LWRP is prepared and approved.	Reject
All Plan Change 7	043	71043	71043.01		Pisa Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR amend existing policies and methods in the RPW, OR widthraw PC7 and replace with simple transitional objectives and policies implemented by a permitted activity rule and supporting methods.	Reject
				FS712	Public Health South	Oppose		Accept
All Plan Change 7	044	71044	71044.01		Christoffel Johannes De Jong	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
All Plan Change 7	045	71045	71045.01		William James Anthony Young and Carol Edith Young	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	046	71046	71046.01		Gavin John Sigismund Hogg	Oppose	Wishes to see the whole of PC7 withdrawn and ORC review their current plan so it is NPSFM compliant. If PC7 is not withdrawn then the submitter seeks that a permitted activity be used to roll over the permits without any changes.	Reject
All Plan Change 7	047	71047	71047.01		Duncan George Henderson and Rae Henderson	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
All Plan Change 7	048	71048	71048.01		Jacqueline Fay and Kerry William Chittock	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	049	71049	71049.01		John Chambers	Oppose	For all existing water permits to roll over to 2025 and are then renewed under the new Regional Land and Water Plan (LWRP).	Reject
All Plan Change 7	050	71050	71050.01		Kawarau Station Limited	Oppose	Wishes PC7 be removed from Council and for the current plan to be used to process any further water permit applications.	Reject
All Plan Change 7	051	71051	71051.01		Andrew James Wilkinson	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	052	71052	71052.01		Cadrona Water Users Incorporated	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject

All Plan Change 7	053	71053	71053.01		MFS Ventures Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Kakanui and Waianakarua catchments be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
All Plan Change 7	054	71054	71054.01		Terra Sancta Limited	Oppose	Given the COVID- driven impacts, and regulatory restrictions and the massive financial pressures the submitter presently face as a consequence, they request that this process be pushed back at least a year.	Reject
All Plan Change 7	055	71055	71055.01		Amisfield LP	Oppose	As per the 3 options put forth by OWRUG	Reject
All Plan Change 7	056	71056	71056.01		Central Otago Winegrowers Association	Oppose	Given the COVID-driven impacts, and regulatory restrictions on many of our members' businesses, as well as financial pressures, we request a 12 month delay to the process.	Reject
All Plan Change 7	057	71057	71057.01		Alistair and Barbara Groundwater	Oppose	Wishes to see the whole of PC7 withdrawn. The Otago Reginal Council (ORC) can process water permit applications under the existing plan and does not need to establish an interim planning framework. A minimum consent length of 25yrs would be required to allow the Bank to provide development funding for the industry.	Reject
All Plan Change 7	058	71058	71058.01		Bradley and Kirsten McEwan	Oppose	Wishes to see the whole of PC7 withdrawn. A minimum consent length of 25yrs would be required to allow the Bank to provide development funding for the industry.	Reject
All Plan Change 7	059	71059	71059.01		Maori Point Vineyard Ltd	Not stated	Withdraw PC7 and replace this with a new policy based on 1) water availability in each specific sub-region or catchment area, and 2) the demonstrated justification for the proposed water usage.	Reject
All Plan Change 7	060	71060	71060.01		Hawkdun Idaburn Irrigation Co	Oppose	Wishes to see the whole of PC7 withdrawn and deemed permits to be replaced by October 2021, be considered under the current operative plan.	Reject
				FS712	Public Health South	Oppose		Accept
All Plan Change 7	061	71061	71061.01		Beggs Creek Station	Oppose	Wishes to see the whole of PC7 withdrawn, and water permit applications should be processed under the existing framework. A minimum consent length of 25 years would be required to allow the Bank to provide development funding for the industry.	Reject
All Plan Change 7	062	71062	71062.01		Thomas Matthew Moran and Jo Anne Elizabeth Moran	Oppose	The submitter wants to see the status quo remain until such a time as work is completed and minimum flows are established.	Reject
All Plan Change 7	063	71063	71063.01		Hamilton Dairy Ltd	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	063	71063	71063.08		Hamilton Dairy Ltd	Oppose	The Environment Court direct the 7 ORC Councillor signatories to their letter dated 26 March to appear before the Court to further expand on their opposition to PC7.	Reject

All Plan Change 7	064	71064	71064.01		Grape Vision Limited	Oppose	Alternative solutions, including the appointment of a government appointed commissioner to take control of the ORC and through proper planning and governance create an appropriate solution to the challenges presented by this process have not been properly considered and they should be. An interim extension of all permits to enable the necessary changes to occur at the ORC is an alternative that should be properly explored and would provide water users with the opportunity to contribute to achieving the objectives of efficient and effective water use.	Reject
All Plan Change 7	065	71065	71065.01		Concept Farms Limited	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
All Plan Change 7	066	71066	71066.01		Patearoa Station Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, the submitter seeks that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
All Plan Change 7	067	71067	71067.07		Stonehenge Limited	Oppose	Where minimum flows are established the consenting process should be exempt from plan change 7, these consents should continue under the existing plan.	Reject
All Plan Change 7	067	71067	71067.08		Stonehenge Limited	Oppose	Rules and methodology for calculating rate of take need removed from PC7	Reject
All Plan Change 7	068	71068	71068.01		Dairy Farms Partnership	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
All Plan Change 7	069	71069	71069.01		Molyneux Farm Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Clutha catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
All Plan Change 7	070	71070	71070.01		Maniototo Irrigation Company	Oppose	The Maniototo Irrigation Company (MIC) oppose all of Plan Change 7. MIC want the Plan Change to be removed and the remaining water permits that expire before the reviewed Regional Plan Water for Otago (RPW or Water Plan) is operative processed under the current Water Plan. If the whole of PC7 is not withdrawn, then the Upper Taieri Catchment should be excluded from PC7.	Reject
				FS712	Public Health South	Oppose		Accept

All Plan Change 7	071	71071	71071.01		Long Gully Water Race Society	Oppose	PC7 is unnecessary. The existing Otago Regional Council plan allows deemed permits to be replaced in a way that does not result in the unsustainable allocation of freshwater.	Reject
All Plan Change 7	072	71072	71072.01		David Ronald Hill and Susan Ann Hill	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	074	71074	71074.01		Terry Cooke for TJ&J Cooke	Not stated	No specific decision sought.	Reject
All Plan Change 7	075	71075	71075.01		R.J. Morgan and Co	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is not withdrawn, the submitter seeks the urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
All Plan Change 7	076	71076	71076.01		Prospect Farm	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	077	71077	71077.01		Michelle and Stephen Holland	Oppose	PC7 should not apply in the Strath Taieri, permits can continue to be issued under the current plan.	Reject
All Plan Change 7	078	71078	71078.01		Coolavin Farms 2018 Ltd	Oppose	Reject PC7 entirely and continue to replace water permits under the current plan.	Reject
All Plan Change 7	079	71079	71079.01		En Hakkore Partnership	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	081	71081	71081.01		JIT Hillend Investments Ltd	Oppose	Opposes the entire PC7, seeks that council processes replacement deemed permits under the current operative water plan (with amendments if necessary). ORC need to amend (if necessary) the current operative water plan to allow for replacement of deemed permits to be issued for a full 35 year term.	Reject
All Plan Change 7	082	71082	71082.01		GlenAyr Ltd	Oppose	Every case should be on its own merits. Those applicants such as ourselves who are prepared to present a comprehensive application that improves the status quo at considerable capital expense should be rewarded with certainty of tenure to enable financing. PC7 should be amended to recognise water sharing and catchment groups. There should not be a requirement to not increase the area irrigated as water users should benefit from using best practice and technology to make their water go further. Proposed water use and application method should be considered in tandem with historic water use.	Reject
				FS705	Federated Farmers New Zealand	Support		Reject
All Plan Change 7	083	71083	71083.01		Puketoi Farming Company	Not stated	Where minimum flows are established the consenting process should be exempt from PC7, these consents should continue under the existing plan.	Reject
				FS705	Federated Farmers New Zealand	Support in part		Reject

All Plan Change 7	084	71084	71084.01		Maniototo West Side Irrigation Company Ltd	Oppose	Council to proceed with applications under the existing plan where minimum flows are in place and council to issue interim consents where there is no established minimum flow to allow the status quo until this has been remedied. This will mean using the best information available in a non-notified process and any documents and information used should be retained for use in subsequent longer term applications.	Reject
				FS712	Public Health South	Oppose		Accept
All Plan Change 7	085	71085	71085.01		Robin Dicey	Oppose	PC7 is unnecessary. The existing Otago Regional Council plan allows deemed permits to be replaced in a way that does not result in the unsustainable allocation of freshwater.	Reject
All Plan Change 7	086	71086	71086.01		Gorge Creek Flats LTD	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is not withdrawn, the submitter seeks the urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
All Plan Change 7	087	71087	71087.01		Job and Jane Withers, Cardrona water users group incorporated	Oppose	Council should process replacement deemed permits under the current operative water plan (with amendments if necessary) for a full 35 year term.	Reject
All Plan Change 7	088	71088	71088.01		MP3 Limited	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	089	71089	71089.08		CP and DE Mulholland	Oppose	Approval of the Pigburn water right that was submitted in February earlier this year prior to PC7, I want my recorded water right data to be retained and not penalised for false recordings from outside water that I have not used entering my race.	Reject
All Plan Change 7	091	71091	71091.01		Kenneth Allan Fergusson	Oppose	Wishes to see the whole of PC7 withdrawn and create a plan that takes into account specific catchments and their own issues relating to that catchment. For example; whether a river already has a working minimum flow, general river and environment health in regards to nutrient levels etc.	Reject
All Plan Change 7	092	71092	71092.01		Lauder Water Users Group	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	093	71093	71093.01		John Armstrong Partnership	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	094	71094	71094.01		Manuherikia Irrigation Co-operative Society Limited ("MICSL")	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
				FS712	Public Health South	Oppose		Accept
All Plan Change 7	097	71097	71097.01		Charcoal Gully Estate Ltd	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject

All Plan Change 7	098	71098	71098.01		Derek and Margaret Jones	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is not withdrawn, submitter seeks the urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessment. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
All Plan Change 7	099	71099	71099.01		Two Farmers Farming Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is not withdrawn, submitter seeks the urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessment. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
All Plan Change 7	100	71100	71100.01		DB & JWS Kinney Trust	Oppose	Wishes to see the whole of PC7 withdrawn and process further deemed permits and other water permit applications under the current Plan until the LWRP becomes operative.	Reject
All Plan Change 7	101	71101	71101.01		Dave Cockburn Construction Ltd	Oppose	Wishes to see the whole of PC7 withdrawn and the policy be kept as is.	Reject
All Plan Change 7	102	71102	71102.01		Strath Clyde Water Limited	Oppose	Not stated.	Reject
All Plan Change 7	103	71103	71103.01		Dennis Anthony Cairns - Kynlallan Farming Co LTD	Oppose	Wishes to see the whole of PC7 withdrawn and to enter into non-bias dialogue with the local community as to the use of the waters in the Manuherikia Valley.	Reject
All Plan Change 7	104	71104	71104.01		Pisa Range Estate Vineyard Ltd	Oppose	Wishes to see the whole of PC7 withdrawn (preferred option); OR That PC7 is declined in its entirety, and amendments are made to existing policies and methods in the RPW (second option); OR That PC7 is declined in its entirety, and is replaced with: i Simple transitional objectives and policies ii Implemented by a permitted activity rule; and iii Supporting methods (third option)	Reject
All Plan Change 7	106	71106	71106.01		Lynne Jennifer Warden	Oppose	Do not reduce any allocation or water volume take from the Adams Gully (Private Race). Submits that the water permits are renewed in their present form.	Reject
All Plan Change 7	107	71107	71107.01		Coal Creek Water Users Group	Oppose	Abandon Plan Change 7, continue with the current water plan that we consider “fit for purpose”. OR Amend the RMA to extend the October 2021 deadline to 2025 that will co-incide with the national water strategy. By then ORC should have themselves organised with the new NPS based water plan. This would not be a waste of parliamentary time compared to the wasted time and effort by irrigators and ORC.	Reject
All Plan Change 7	108	71108	71108.01		Hopehill Farm	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	109	71109	71109.01		Caroline Tamblyn	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject

All Plan Change 7	110	71110	71110.01		Hamilton Runs Limited	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	112	71112	71112.01		Hawksburn Station	Oppose	Wishes to see the whole of PC7 withdrawn and process water permits under the current plan's rules and policies.	Reject
All Plan Change 7	113	71113	71113.01		Bannockburn Water Race Society Inc	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is not withdrawn, the submitter wishes a permitted activity be used to simply roll over permits without any changes until such time as ORC's LWRP becomes operative.	Reject
All Plan Change 7	114	71114	71114.01		Richard Tamblyn	Oppose	Wishes to see the whole of PC7 withdrawn and all remaining deemed permit renewals be processed under the current plan. All current water use should be treated as a complying activity without restriction if PC7 is used as this is meant to be an interim renewal .	Reject
All Plan Change 7	115	71115	71115.01		Mt Pisa Station Holdings	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
All Plan Change 7	116	71116	71116.01		Carrick Irrigation Co Ltd	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process the permits under the current plan. If the whole PC7 is not withdrawn, then the submitter wishes that a permitted activity rule is established that enables the permits to roll over as is without any change.	Reject
				FS712	Public Health South	Oppose		Accept
All Plan Change 7	117	71117	71117.01		Appin Farms Ltd	Oppose	Wishes to see the whole of PC7 withdrawn and develop a river relevant plan specific to individual rivers and the users needs. A far more practical and equitable approach would be to assess all catchments and look at their current and individual characteristics i.e. minimal flow criteria in place, river health etc.	Reject
All Plan Change 7	119	71119	71119.06		Pioneer Energy Limited	Oppose	Withdraw the whole of PC7 or amend PC7 to remove deemed permits relating to dams and associated infrastructure so that these permits can continue to have applications assessed under the current RWP framework and not PC7.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
				FS714	Aukaha Ltd	Oppose		Accept
All Plan Change 7	120	71120	71120.01		Loganbrae Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then the submitter seeks that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
All Plan Change 7	121	71121	71121.01		Mount Dunstan Estates Ltd	Oppose	Not stated.	Reject
All Plan Change 7	122	71122	71122.01		Enfield Limited	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative.	Reject
All Plan Change 7	123	71123	71123.01		Matthew Sole	Support	Support PC7 in its entirety.	Accept in part
All Plan Change 7	124	71124	71124.01		Quartz Reef Wines	Not stated	Not stated.	Reject

All Plan Change 7	125	71125	71125.01		Roger Neill Williams	Oppose	Wishes to see the whole of PC7 withdrawn and existing water rights should be renewed under the existing water plan.	Reject
All Plan Change 7	126	71126	71126.01		B J Graham trust no.1	Oppose	Wishes to see the whole of PC7 withdrawn and if that doesn't happen then the Strath Taieri should not be included in the Plan Change.	Reject
All Plan Change 7	127	71127	71127.01		SEE Enterprises	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
All Plan Change 7	128	71128	71128.01		Kye Farming Ltd	Oppose	Wishes to see the whole of PC7 withdrawn or undertake urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7	Reject
All Plan Change 7	129	71129	71129.01		Pisa Holdings Limited, Rockburn Wines Limited, Mark II Limited, Chard Farm Trustees Limited, Albany Heights Limited, Stuart Douglas Hawker & Phillippa Mary Hawker (Shareholders in Deemed Permit 95789)	Oppose	Wishes to see the whole of PC7 withdrawn OR Amend PC7 as follows: 1. Provide for existing activities to continue as permitted activities on the same terms and conditions as they are currently issued, including current statutory entitlements, until the new Land and Water Plan is operative. As an alternative, provide for such activities to be re-consented as controlled activities on the same terms and conditions, including statutory entitlements, until the Land and Water Plan is operative; 2. Amend the objective and policies so they do not apply to applications lodged before PC7 was notified; 3. Amend PC7 to recognize the relevance and importance of water abstraction and use for social, cultural and economic reasons; 4. Remove the restrictions on irrigable areas and the requirement to reduce allocation; 5. Remove the stipulation for allocation for controlled activities to be derived from 1 July 2012-30 June 2017; 6. Delete Schedule 10A.4; 7. Allow consent duration to be considered on its own merits in each case; 8. Amend to improve drafting and clarify relationships between provisions; 9. Make all such other changes and grant such other, further and alternative relief necessary to give effect to the reasons for this submission.	Accept in part

All Plan Change 7	130	71130	71130.01		Manuherikia Catchment Group	Oppose	Wishes to see the whole of PC7 withdrawn. We seek the urgent but robust completion of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
				FS705	Federated Farmers of New Zealand	Support		Reject
All Plan Change 7	132	71132	71132.01		Wataieri Holdings Limited	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative.	Reject
All Plan Change 7	133	71133	71133.01		Falls Dam Company Limited ("FDC")	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to remove deemed permits relating to dams and irrigation infrastructure so that these permits can continue to have applications assessed under the current RPW framework and not PC7.	Reject
				FS715	Trustpower Limited	Support in part		Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
All Plan Change 7	134	71134	71134.01		Hortinvest Limited ("Hortinvest")	Oppose	Wishes to see the whole PC7 withdrawn. OR Amend as follows: a. Introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. b. Exclude new applications to take water from catchments (including connected groundwater) not fully allocated, i.e. the Clutha Catchment. These applications are best dealt with under the existing RPW Framework. c. Provide clarity around whether it is intended to apply to new applications or replacement applications or both.	Accept in part
All Plan Change 7	135	71135	71135.01		Lindis Peaks Farming Limited ("Lindis Peaks")	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/MataAu River should not be included as the Clutha/Mata-Au is not fully allocated.	Reject
All Plan Change 7	136	71136	71136.01		Lauder Creek Limited – Heckler Family	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject

All Plan Change 7	137	71137	71137.01		Omakau Area Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR undertake urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
				FS712	Public Health South	Oppose		Accept
All Plan Change 7	138	71138	71138.01		Phada Industries Ltd	Oppose	Wishes to see the whole of PC7 withdrawn, OR amended to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
All Plan Change 7	139	71139	71139.01		Terraces Irrigation Limited ("TIL")	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/Mata-Au River should not be included as the Clutha/Mata-Au is not fully allocated. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
				FS712	Public Health South	Oppose		Accept
All Plan Change 7	140	71140	71140.01		Mount Earnslaw Station	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
All Plan Change 7	141	71141	71141.01		Littlebrook Farm Limited	Not stated	ORC needs to reject the proposed change and continue with the process as is and if the timeline cannot be achieved then existing rights prevail until such time the existing process is concluded, which is how most, if not all Resource Consents operate.	Reject
All Plan Change 7	142	71142	71142.01		Earl and Bernadine Attfield on behalf of The Waikerikeri Creek all water users group	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject

All Plan Change 7		71143	71143.03		Trustpower Limited	Not stated	In addition, Trustpower seeks any such other relief that addresses Trustpower's submission and/or is consequential to making the above amendments.	Accept in part
				FS706	Horticulture New Zealand	Oppose		Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
All Plan Change 7	144	71144	71144.01		The Burn Limited	Oppose	Continue to process permits under the existing plan.	Reject
All Plan Change 7	145	71145	71145.01		Knapdale Farms Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
All Plan Change 7	146	71146	71146.01		Queensbury Ridges Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
All Plan Change 7	147	71147	71147.01		Barley Station (Glencoe) Trust	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
All Plan Change 7	148	71148	71148.01		Ian Bathgate	Oppose	Wishes to see the Plan Change to be declined and removed. PC7 will undermine and stall any environmental and economic gains or opportunities for the Upper and Strath Taieri regions for at least the next decade.	Reject
All Plan Change 7	149	71149	71149.03		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Add policy that gives effect to the mandatory direction of the NPSFM.	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS712	Public Health South	Support		Reject
				FS707	Landpro Limited	Oppose		Accept
				FS706	Horticulture New Zealand	Support in part		Accept in part
				FS714	Aukaha Ltd	Support		Reject

All Plan Change 7	149	71149	71149.04		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Including the specific requirements, as Forest and Bird proposes, allows for three consenting pathways; a. by splitting the proposed controlled activity rule so that activities which do not have a reduction of at least 20% become a restricted discretionary; and b. by tightening the non-complying activity rule by capping the extended consent duration at end of 2030. Forest & Bird recognises that a controlled activity rule does provide greater certainty to uses and that certainty is particularly important for existing users. However this must not override achieving environmental outcomes and bottom lines.	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS707	Landpro Limited	Oppose		Accept
				FS706	Horticulture New Zealand	Oppose		Accept
				FS714	Aukaha Ltd	Support		Reject
All Plan Change 7	150	71150	71150.01		Christopher McNally & Vanessa Jane May	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
All Plan Change 7	152	71152	71152.01		Graeme Noel Martin	Oppose	Proposed Plan Change 7 be rejected or withdrawn in its entirety.	Reject
All Plan Change 7	153	71153	71153.01		Christopher James Duncan	Oppose	Seeks the rejection of PC7 entirely. Seeks the completion of the limit setting plan change for the Manuherikia catchment, including both the minimum flows and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact of assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
All Plan Change 7	154	71154	71154.01		Avonrath Ltd (Farm)	Not stated	Status quo is the only option for our area. PC 7 should be abolished.	Reject
All Plan Change 7	155	71155	71155.01		Isabella May Anderson	Oppose	The ORC should remove PC7 completely. If the plan is not removed entirely then the submitter would support the options outlined in OWRUG submission to amend the current framework for permit renewal.	Reject
All Plan Change 7	156	71156	71156.01		R W Naylor	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject

All Plan Change 7	157	71157	71157.01		Kyeburn Catchment Ltd	Not stated	The ORC needs to provide reliable and accurate science to justify the policies they have chosen to promote.	Reject
All Plan Change 7	158	71158	71158.01		Trade as A W & K L Glassford	Oppose	Wishes to see PC7 removed completely.	Reject
All Plan Change 7	159	71159	71159.01		Landpro Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
				FS701	DairyNZ Ltd	Support		Reject
All Plan Change 7	160	71160	71160.01		Chard Farm Limited	Oppose	Given the COVID-19 driven impacts, and regulatory restrictions on many of our members' businesses, as well as financial pressures, we request a 12 month delay to the process.	Reject
All Plan Change 7	161	71161	71161.01		Otago Water Users Resource Group	Oppose	Decline PC7 - submitter suggests an alternative approach under the Water Plan (please see submission for full details)	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose		Accept
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept

All Plan Change 7	161	71161	71161.02		Otago Water Users Resource Group	Oppose	ALTERNATIVELY: Decline PC7 and amend RPW provisions by adding 3 new Methods into the RPW: a. Method15.1A: Auditing Water Metering Data – to ensure consistent processing of data b. Method 15.1B: Identify Rate and Volume for Policy 6.4.2 (and Rule 12.1.2.7 under Option 3 below) – to ensure consistent calculations of maximum rates of take and volumes based on metering data. c. Method 15.1C: Identify Rate and Volume for Policy 6.4.0A – to formally incorporate the approach used in the Aqualinc Research Report Ltd to require efficiency of water use. Amend Policy 6.4.0A as follows: 6.4.0A To ensure that the quantity of water granted to take is no more than that required for the purpose of use by applying Method 15.1C and taking into account: (a) How local climate, soil, crop or pasture type and water availability affect the quantity of water required; and (b) The efficiency of the proposed water transport, storage and application system. Subsequent changes to this Policy's Principal Reason for Adopting and Explanation may also be necessary to support this amendment. Amend Policy 6.4.2A would be amended as follows: Where an application is received to take water and Policy 6.4.2(b) applies to the catchment, to grant from within primary allocation no more water than has been taken under the existing consent in at least the preceding five years using the methodology contained in Method 15.1A (Auditing Water Metering Data) and Method 15.1B (Identify Rate and Volume), except in the case of a registered community drinking water supply where an allowance may be made for growth that is reasonably anticipated. 200. Subsequent changes to this Policy's Principal Reason for Adopting and Explanation may also be necessary to support this amendment.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
				FS716	Wise Response Society Inc	Not stated		Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose		Accept
				FS706	Horticulture New Zealand	Support in part		Accept in part
				FS705	Federated Farmers of New Zealand	Support		Reject

All Plan Change 7	161	71161	71161.03		Otago Water Users Resource Group	Oppose	ALTERNATIVELY: Decline PC7 and Replace it with a Permitted Activity Rule and Amended Policies and Methods Amend by adding the following new objectives and policies: Objective 6.3.8. Enable the Otago Regional Council to fully implement the National Policy Statement Freshwater Management (as amended in 2017) by 30 December 2025 without putting undue pressure on permit holders and the Council to replace permits to take surface water before then. Add the following policy: Policy 6.4.0D: Enable the continued taking and use of surface water (including groundwater considered as surface water under policy 6.4.1A (a), (b) and (c) of this Plan) authorised by existing deemed permits and water permits in accordance with water metering requirements and Method 15.1B (Identify Rate and Volume) until a new Land and Water Regional Plan is made operative, estimated to be 31 December 2025. Section 124 of the Resource Management Act shall be applied to the continued exercise of an activity in accordance with this policy as if the activity was authorised by an existing permit that was due to expire on 31 December 2025 in order that the activity may continue to be exercised after 31 December 2025. Any application for a permit to replace the continued taking of water under this policy must in all respects be assessed and determined as if it were an application that sections 104(2A) and 124 of the Resource Management Act apply to. In addition, the existing RPW policy on term would be broadened, to allow a greater range of considerations to be taken into account when determining what an appropriate term would be, and clearer guidance on when a longer term is appropriate: 6.4.19 When setting the duration of a resource consent to take and use water, to consider: (a) The duration of the purpose of use Whether the purpose of use has a long duration; (b) The presence of a Whether there is a catchment minimum flow or aquifer restriction level that would apply to the activity; (c) Climatic variability and consequent changes in local demand for water; (d) The extent to which the risk of potentially significant, adverse effects arising from the activity may be	Reject

							adequately managed through review conditions; Whether adverse effects arising from the activity are able to be appropriately remedied or mitigated through conditions of consent or are able to be adequately managed through review conditions; (e) Conditions that allow for adaptive management of the take and use of water; (f) The value of the investment in infrastructure; Where the resource consent is a replacement resource consent for a permit due to expire, the value of the consent holder's existing investment related to the taking of water; (g) Use of industry best practice The value and economic life of any proposed new investment related to the taking and use of water; and (h)Whether the water will be used efficiently. Amend to add new permitted activity rule: Rule 12.1.2.7 Permitted activity: No resource consent required 12.1.2.7 Despite any other rule or rules in this Plan 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 a deemed permit or an existing water permit where that water permit expires prior to 31 December 2025; is a permitted activity provided the following conditions are met: i. The permitted activity may only be exercised by the holder of the permit to which this rule applies, or that permits' lawful successor; ii. Water taken pursuant to this rule may only be used for the purpose authorised in the permit to which this rule applies; iii. Any existing requirement, condition, or priority status applying to the exercise of a permit under this rule shall continue to be legally binding; and iv. Water taken under this rule does not exceed the maximum rate of take and maximum monthly volume and maximum annual volume as determined by Method 15.1A (Auditing Water Metering Data) and Method 15.1B (Identify Rate and Volume), v. Where the Otago Regional Council makes operative any minimum flow limit relevant to an activity permitted under this rule, any water taken will be in accordance with that minimum flow limit. vi. Water taken under this rule must be measured and recorded in compliance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.	

				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose		Accept
All Plan Change 7	162	71162	71162.01		Wise Response Society Inc	Not stated	Supportive of the Ministers insistence that the 2021 deadline be upheld. Accordingly, before any new consents are granted, we consider this Plan Change requires a environmental flow regime to be established for each river. This should be based on the best available hydrological and ecological information or modelling which will be reviewed once the other Statements and Plans are operative. Allocations should not be based simply on past use (as proposed by Peter Constantine) but on demonstrating that the landuse system is genuinely sustainable, including under the "sinking lid" Net Zero Carbon emission policy by 2050.	Reject
All Plan Change 7	163	71163	71163.01		Ida Valley Irrigation Company Limited	Oppose	To revoke in its entirety Plan Change 7 and to have water permit/consent applications heard and decided under the current planning documentation.	Reject
				FS712	Public Health South	Oppose		Accept
All Plan Change 7	164	71164	71164.01		Downs Irrigation Settlement	Oppose	1. Seeks that PC7 is declined in its entirety. 2. Seeks the urgent but robust completion of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7. 3. Supports and adopt the submission of the Otago Water Resource Users Group submission on Proposed Plan Change 7, and the submission of the Manuherikia Catchment Group, including the reasons for those submissions and the relief sought in those submissions.	Reject
All Plan Change 7	165	71165	71165.01		Brent William Marshall	Not stated	Wishes to see the whole PC7 withdrawn and continue with the current water plan that the submitter considers "fit for purpose". Alternatively amend the RMA to extend the October 2021 deadline to 2025 that will co-incide with the national water strategy. By then ORC should have themselves organised with the new NPS based water plan. This would not be a waste of parliamentary time compared to the wasted time and effort by irrigators and ORC.	Reject
All Plan Change 7	166	71166	71166.01		Rothesay Downs	Oppose	Wishes to see the whole PC7 withdrawn.	Reject

All Plan Change 7	167	71167	71167.01		Billee Patricia Marsh	Support	In all decisions relating to the issuing of Water Permits, the submitter asks Council to: 1) Ensure the protection of natural character and amenity values of our waterways. 2) Retain river flows that are sufficient to maintain their life-supporting capacity for aquatic ecosystems	Reject
				FS714	Aukaha Ltd	Support		Reject
All Plan Change 7	169	71169	71169.01		Closeburn Station	Oppose	In catchments where minimum flows settings are in place (Taieri) applications for renewal of permits should continue under the existing plan. In catchments where minimum flows have yet to be set, status quo maintained while this work is completed.	Reject
All Plan Change 7	170	71170	71170.01		McArthur Ridge Vineyard Ltd	Oppose	Resort to principles and policies proposed.	Reject
All Plan Change 7	171	71171	71171.01		Te Rūnanga o Ngāi Tahu (Te Rūnanga)	Support	Te Rūnanga supports the submissions from Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnanga, Te Rūnanga Ōraka Aparima and Te Rūnanga o Awarua sent in as submissions from Aukaha and Te Ao Marama Inc. Te Rūnanga adopts the relief sought in those submissions.	Accept in part
				FS715	Trustpower Limited	Oppose		Reject
				FS712	Public Health South	Support		Accept
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Accept
All Plan Change 7	172	71172	71172.01		Ballance Agri-Nutrients Limited	Support in part	Amend PC7 by adopting a 'hold the line' policy.	Accept in part
All Plan Change 7	173	71173	71173.02		Clutha District Council and Waitaki District Council	Oppose	Oppose PC7 in its entirety in relation to general irrigation and commercial water uses, Schedules 1B, 3B and associated water supply takes and values, and seek that it be either amended or removed.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support & oppose in part	No exemptions made for community water supply.	Accept in part
				FS712	Public Health South	Oppose		Accept
				FS714	Aukaha Ltd	Oppose		Accept
All Plan Change 7	174	71174	71174.02		Te Ao Marama	Support	Ensure that water permits are only granted for short durations whilst the Regional Plan: Water for Otago does not give effect to the National Policy Statement for Freshwater Management 2014 (as amended 2017), so that existing abstraction pressures on waterbodies in the region due to overallocation are not perpetuated for another generation and ngā Rūnanga rights, interests and values are appropriately identified and reflected in longer term freshwater management decisions.	Accept
				FS715	Trustpower Limited	Oppose		Reject
				FS712	Public Health South	Support		Accept

				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support		Accept
				FS714	Aukaha Ltd	Support		Accept
All Plan Change 7	175	71175	71175.01		Hamish Stratford	Oppose	Wishes to see the whole PC7 removed completely.	Reject
All Plan Change 7	176	71176	71176.01		Galloway Irrigation Society Incorporated	Oppose	Relief Sought: a. We seek that PC7 is declined in its entirety. b. We seek the continuation of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments.	Reject
All Plan Change 7	178	71178	71178.01		Central Otago District Council	Oppose	PC7 should be rejected in its entirety and consents processed under the current framework.	Reject
				FS712	Public Health South	Oppose		Accept
All Plan Change 7	178	71178	71178.02		Central Otago District Council	Oppose	Make interim provision for water management groups.	Reject
All Plan Change 7	178	71178	71178.03		Central Otago District Council	Oppose	If permit replacements are not to be processed under the full range of considerations covered in the current framework during the next few years, then the submitters preference is for existing deemed permits to be extended so they can be considered under the new framework. This could either be done by either: (1) issuing short duration consents under the current water plan rules until the new planning framework is ready; or (2) making compliance with terms of existing permits a permitted activity until the new planning framework is ready; or (3) issuing replacement permits on the same terms as existing permits, as a controlled activity, until the new planning framework is ready.	Accept in part
				FS712	Public Health South	Support		Accept in part
				FS708	Ministry for the Environment	Support		Accept in part
				FS705	Federated Farmers of New Zealand	Support in part		Accept in part
				FS701	DairyNZ Ltd	Support		Accept in part
				FS714	Aukaha Ltd	Oppose		Accept in part
All Plan Change 7	178	71178	71178.05		Central Otago District Council	Oppose	Plan Change 7 should be consistent with the Regional Water Plan which provides for anticipated population growth in community drinking water allowances. Plan Change 7 currently does not provide for this. The methodology for calculating takes and volumes of limits for community water takes should be adapted with this in mind.	Accept in part
				FS712	Public Health South	Support		Accept in part
				FS709	Ngai Tahu ki Murihiku	Support in part		Accept in part

				FS703	Dunedin City Council	Support		Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
All Plan Change 7	178	71178	71178.09		Central Otago District Council	Oppose	Make provision for conditions protecting indigenous biodiversity, in particular native fish species such as galaxiids.	Accept in part
All Plan Change 7	179	71179	71179.01		Aotearoa New Zealand Fine Wine Estates Limited Partnership	Oppose	Seeks that PC7 is declined in its entirety.	Reject
All Plan Change 7	180	71180	71180.01		Director General of Conservation	Support in part	Amend PC7 to ensure consistent definitions. For example, there is the use of: • "hydrological" year compared to "water" year in Schedule 10A.4.1, and • "irrespective of any other plan Policies" used in all Policies 10A.2.1-3 is potentially confusing and it is unclear which Policies will apply in the controlled or noncomplying activity Rules 10A.3.1 and 10A.3.2. Amend Structure and Drafting of PC7 as follows: Refine and simplify Objective 10A.1.1 to be the outcome sought only, and consequentially include any method content within Policies 10A.2.1-3, and Refine and simplify Policies 10A.2.1-3 so that there are clear policies that address the following interim planning framework as follows or to like effect: i) An enabling Policy for a six-year term; (that will be reflected in Rule 10A.3.1.1 - controlled activity); and ii) A restrictive Policy for a term not exceeding 31 December 2035 (that will be reflected in non-complying activity Rule 10.3.1.2) that could meet an exception test; and iii) The circumstances under which each Policy (and consequent Rule) may apply; and iv) Restrict the application of the Plan Change 7 term provisions to water take and use consents for: a) replacement RMA consents of deemed permits under section 413; and b) RMA permits that were previously deemed permits and are currently RMA water take and use permits that expire prior to 31 December 2025	Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Accept in part
				FS714	Aukaha Ltd	Support		Accept in part
All Plan Change 7	180	71180	71180.02		Director General of Conservation	Support in part	Retain provisions unless altered by any specific, general, or consequential relief sought below.	Accept in part
				FS714	Aukaha Ltd	Support		Accept in part
All Plan Change 7	181	71181	71181.01		Arrow Irrigation Company Ltd	Oppose	The decision maker should reject PC7 in its entirety.	Reject
				FS714	Public Health South	Oppose		Accept

All Plan Change 7	182	71182	71182.01		Strath Taieri Irrigation Company	Oppose	STIC want the Plan Change to be declined. PC7 will undermine and stall any environmental and economic gains or opportunities for the Upper and Strath Taieri regions for at least the next decade. If PC7 is not declined, then the Upper Taieri should not be included in the Plan Change.	Reject
				FS712	Public Health South	Oppose		Accept
All Plan Change 7	183	71183	71183.01		Aaron Carey	Not stated	Make non consumptive activities like suction dredging as a permitted or controlled activity and increase the consent for these takes longer than 6 years ie 10 to 15 years	Reject
All Plan Change 7	184	71184	71184.01		Cardrona Distillery Ltd	Oppose	Submitter seeks that PC7 is declined entirely.	Reject
All Plan Change 7	185	71185	71185.01		Tinwald Farm Holdings Limited	Oppose	Decline PC7 in its entirety. OR Decline PC7 in its entirety and amend existing policies and methods in the Regional Plan: Water for Otago. OR Decline PC7 in its entirety and replaced with simple transitional objectives and policies, implemented by a permitted activity rule, and Supporting methods (see submission for explanation of each of these methods)	Reject
All Plan Change 7	186	71186	71186.01		Excel Farming Ltd	Oppose	Wishes that the entire PC7 be declined.	Reject
All Plan Change 7	187	71187	71187.01		Matakanui Station Ltd	Oppose	Decline PC7 entirely; and Complete the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit based on good hydrology ecology information, analysis of reliability of supply, and full cultural, economic and social impact assessments; and Amend PC7 to provide for long term consents of 25 years plus.	Reject
All Plan Change 7	188	71188	71188.01		Andrew Ritchie	Oppose	Wishes to see ORC scrap PC7 and return to assessing individual or group resource water consents on merit, in a time frame that is more in line with the resources they have available, at very least take option C to allow some longer term certainty for our primary producers. The consultants are doing an excellent job providing the ORC with all the information they require to make reasonable decisions regarding renewal/extension of water permits. If the ORC is unable to achieve this, then outsource the consenting process to expert consultants who can.	Reject
All Plan Change 7	191	71191	71191.01		Run 505	Oppose	Decline PC7.	Reject
All Plan Change 7	192	71192	71192.01		Millbrook Country Club Limited	Oppose	Decline PC7.	Reject
All Plan Change 7	193	71193	71193.01		Benjamin Harding Oliver Keenan	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment	Reject
				FS714	Aukaha Ltd	Support in part		Reject
All Plan Change 7	194	71194	71194.01		Bill Gordon	Support	Make PC7 operative as it is and within the proposed time frame.	Accept in part

All Plan Change 7	195	71195	71195.01		Bligh Vergeer	Not stated	Specifically exclude suction dredge mining from 6 year consent length limit.	Reject
All Plan Change 7	197	71197	71197.01		Chris Dignan	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment	Reject
				FS714	Aukaha Ltd	Support in part		Reject
All Plan Change 7	198	71198	71198.01		Chris Pritchard	Not stated	Make non consumptive activities like suction dredging as a permitted or controlled activity and increase the consent for these takes longer than 6 years ie 10 years	Reject
				FS714	Aukaha Ltd	Support in part		Reject
All Plan Change 7	199	71199	71199.01		Hiburn Farm and Coburn Partnership	Oppose	Decline PC7	Reject
All Plan Change 7	200	71200	71200.01		Clinton John Broomhall	Oppose	Allowing hobby dredging with no fees or extra consents	Reject
All Plan Change 7	201	71201	71201.01		Michael Laws	Oppose	To provide a plan change that properly reflects the recommendations of the Skelton Report, is based upon scientific and hydrology studies, takes cognisance of the socio-economic circumstances of the catchments and districts affected, and provides for long-term consents of 25 years-plus.	Reject
				FS705	Federated Farmers of New Zealand	Support		Reject
All Plan Change 7	202	71202	71202.01		Michael Jennings	Not stated	Decline PC7	Reject
All Plan Change 7	204	71204	71204.01		Evelyn Margaret Skinner	Support	I support the accepting of Proposed Plan Change 7 as it stands.	Accept in part
All Plan Change 7	205	71205	71205.01		Paydirt	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment.	Reject
				FS714	Akarua Ltd	Support in part		Reject
All Plan Change 7	206	71206	71206.01		Locharburn Grazing Company	Oppose	Decline PC7	Reject
All Plan Change 7	207	71207	71207.01		Geoffrey Raymond Dickie and Carol Maree Keen	Oppose	Decline PC7	Reject
All Plan Change 7	208	71208	71208.01		Almondell Farms Ltd	Oppose	Decline PC7	Reject
All Plan Change 7	209	71209	71209.01		Gerrard Eckhoff	Not stated	I want the ORC to make decisions based on open discussion with all parties to find lasting solutions not those imposed by courts or councils.	Reject
All Plan Change 7	210	71210	71210.01		Glen Shaw	Not stated	Make non consumptive activities like suction dredging as a permitted or controlled activity and increase the consent for these takes longer than 6 years ie 10 years	Reject
				FS714	Aukaha Ltd	Support in part		Reject

All Plan Change 7	211	71211	71211.01		Kyeburn Catchment Ltd	Oppose	I would like to see plan change 7 changed considerably before it is implemented.	Reject
All Plan Change 7	212	71212	71212.01		WS Hickey & Son Ltd	Oppose	The ORC needs to make a clearer long term decision that is based on well informed scientific data and analysis.	Reject
All Plan Change 7	213	71213	71213.01		Ian and Wendy Ritchie	Oppose	We want the considerable expense we've incurred preparing an application for consent under our current permit conditions to be approved for a period of 15-20 years in line with the capital investment made. We also want the ORC to support Strath Taieri Irrigation operation, to ensure a strong constant flow in the Taieri river, which is good for the river, its habitat, and would be good for the local community/economy i.e. power station, Oceania Gold, and irrigators.	Reject
All Plan Change 7	214	71214	71214.01		Ian Hewett	Oppose	Amend the policy	Accept in part
All Plan Change 7	215	71215	71215.01		Ian Robert Brown	Oppose	Decline PC7	Reject
All Plan Change 7	216	71216	71216.01		JR Webb & Sons Ltd	Oppose	Decline PC7	Reject
All Plan Change 7	217	71217	71217.01		The Larches Ltd	Oppose	ORC should allow for replacement deemed permits to be for a full term of 35 years	Reject
All Plan Change 7	219	71219	71219.01		Julian Lloyd Crawford	Not stated	I am opposed to any requirement for small scale suction dredging to require a resource consent or water permit.	Reject
				FS714	Aukaha Ltd	Oppose		Accept
All Plan Change 7	220	71220	71220.01		Karl Benjamin Lawrence	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment	Reject
				FS714	Aukaha Ltd	Support in part		Reject
All Plan Change 7	221	71221	71221.01		Stewart Town Vineyard	Oppose	I would like to see the term for permits to be 25 years+	Reject
All Plan Change 7	222	71222	71222.01		Lynne Stewart	Not stated	I do not want Plan Change 7 delayed. I do not want more water being taken from our rivers and more centre pivot irrigators watering more paddocks for more dairy cows and slowing down implementation of Plan Change 7	Accept in part
All Plan Change 7	223	71223	71223.01		Malcolm Cameron	Oppose	Leave it as it is or exclude mining and dredging	Reject
				FS714	Aukaha Ltd	Oppose		Accept
All Plan Change 7	225	71225	71225.01		Mark Jerome Kramer	Oppose	Take into account recreational use particularly small suction dredging	Accept in part
All Plan Change 7	226	71226	71226.01		Akarua Ltd	Oppose	Amend policy for reasons outlined in submission Given the severe impacts of COVID-driven policies and market impacts Akarua Ltd also requests a 12 month delay in proceedings	Reject
All Plan Change 7	227	71227	71227.01		Mitchell Grierson	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment	Reject
				FS714	Aukaha Ltd	Support in part		Reject

All Plan Change 7	228	71228	71228.01		MS Brown Family Trust	Oppose	Amend policy	Accept in part
All Plan Change 7	229	71229	71229.01		Fitzpatrick Road Water Supply Association	Not stated	We wish to apply for additional water take when our permit expires on the 1st June 2023. Could you please make provision as to how to calculate our water take.	Reject
				FS714	Aukaha Ltd	Support		Reject
All Plan Change 7	230	71230	71230.01		Davison Agriculture Ltd	Not stated	That PC7 is declined in its entirety; or That PC7 is declined in its entirety and amendments are made to existing policies and methods in the RPW That PC7 is declined in its entirety and replaced with i. Simple transitional objectives and policies; ii. Implemented by a permitted activity rule; and iii. Supporting methods	Reject
All Plan Change 7	231	71231	71231.01		Glenshee Station Ltd Cornaig Farms Ltd Gidding Downs	Oppose	We ask that PC7 be removed We seek the urgent but robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural and social impact assessments We support and adopt the submission of the Otago Water Resources Users Group submission on Proposed Plan Change 7, including the reasons for that submission and the relief sought in that submission That a standard method for assessing water take data and efficiency of use that has been drafted by an irrigation expert be adopted.	Reject
All Plan Change 7	232	71232	71232.01		Linnburn Station Ltd	Not stated	Extend permit terms from 6 years, change date ranges and approaches to analysing data out to 30 June 2020 if the data is available	Accept in part
All Plan Change 7	234	71234	71234.01		Smallburn Ltd	Oppose	I want Council to stand by what is seen to be a contract between council and the water users.	Reject
All Plan Change 7	235	71235	71235.01		Cairnhill	Oppose	We implore the ORC to continue the work on allocation and minimum flows in the Manuherikia based on sound hydrological, ecological, cultural and social assessments.	Reject
All Plan Change 7	236	71236	71236.01		Avalon Station Ltd	Oppose	To not proceed with PC7	Reject
All Plan Change 7	237	71237	71237.01		Blackstone Hill Ltd	Oppose	Delete the plan unless the ORC are prepared to give their time and assistance free of charge to the permit	Reject
All Plan Change 7	238	71238	71238.01		Stonehaven Limited	Oppose	I wish to see PC 7 withdrawn	Reject
All Plan Change 7	239	71239	71239.01		Ysan Family Trust	Oppose in Part	Amend PC7 to say that current water use data is able to be used in negotiating the new water permits and not reliant on historic data as planned. The permits to be valid until 2035	Accept in part
				FS714	Aukaha Ltd	support		Accept in part

All Plan Change 7	240	71240	71240.01		Wakefield Estates Limited	Oppose	I would like to see new water permits issued for 35 year terms where there is clear evidence provided that effects on other parties are minimal Allowance for new irrigable areas within new permit limits Review rules around bore takes around Lake Dunstan as the rules outside 100m are too restrictive	Accept in part
All Plan Change 7	241	71241	71241.01		Rodger Stuart Webb	Not stated	Amend policy to say water consumers	Reject
All Plan Change 7	242	71242	71242.01		Blackstone Irrigation Company	Oppose	Decline the whole of PC7	Reject
				FS712	Public Health South	Oppose		Accept
All Plan Change 7	243	71243	71243.01		Russell Dean Nevill	Oppose	I do not want PC7 adopted in any way	Reject
All Plan Change 7	244	71244	71244.01		Sam Stephens	Oppose	Revoke PC7 in its entirety and have water permit/consent applications heard and decided under the current planning documentation	Reject
All Plan Change 7	245	71245	71245.01		Samuel Counsell Stephens	Not stated	Provide for non-consumptive takes, such as suction dredge gold mining, as a permitted or controlled activity	Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
All Plan Change 7	246	71246	71246.01		Wooing Tree	Oppose	I oppose PC7 in line with COWA's submission	Reject
All Plan Change 7	247	71247	71247.01		Coburns Partnership	Oppose	The ORC should throw out Plan Change 7	Reject
All Plan Change 7	248	71248	71248.01		Tim Le Comte	Not stated	Provide for non-consumptive takes as a permitted or controlled activity	Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
All Plan Change 7	249	71249	71249.01		Cardrona Valley Station Limited	Oppose	Re-write the plan change in its entirety	Accept in part
All Plan Change 7	250	71250	71250.01		Omakau Fuel Services	Oppose	Remove Plan Change 7 as it serves no useful purpose for our town, community or business	Reject
All Plan Change 7	251	71251	71251.06		Southern Lakes Holdings Limited	Support	That submissions remain open until these rules are released	Reject
All Plan Change 7	251	71251	71251.07		Southern Lakes Holdings Limited	Support	Immediate release of or access to statements that make transparent the effects of operating under these policies until federal freshwater management legislation is released	Reject
All Plan Change 7	253	71253	71253.01		Tony Strain	Oppose	Withdraw Plan Change 7	Reject
All Plan Change 7	254	71254	71254.01		Cardrona Valley Farms Ltd	Oppose	Revisit Plan Change 7 in its entirety alongside catchment groups	Reject
How to Use the Regional Plan: Water	151	71151	71151.03		Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively mana whenua)	Support	Retain as notified.	Accept in part
				FS712	Public Health South	Support		Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Accept in part

Introduction	151	71151	71151.01		Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively mana whenua)	Support	Retain as notified.	Accept in part
				FS712	Public Health South	Support		Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Accept in part
Introduction	177	71177	71177.01		Federated Farmers of New Zealand - Otago and North Otago Provinces	Oppose	Delete bullet point 2. Delete paragraphs 3 and 4.	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose		Accept
				FS712	Public Health South	Oppose		Accept
Introduction		70047	70047.02		Otago Province Federated Farmers of New Zealand	Oppose	Delete bullet point 2 and paragraphs 3 and 4.	Reject
				FS712	Public Health South	Oppose		Accept
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
New Definition		70036	70036.07		Aotearoa New Zealand Fine Wine Estates Limited Partnership	Support	Insert the following new definition: reasonable and efficient use: When applied to the taking or using of water for irrigation, reasonable and efficient use means an assessment of water use in the particular circumstances of the activity, including consideration of the water requirements for the land use activity; whether there are already existing resource consents for the use of water for the same area of land, the specified growth requirements of a business and the requirements of a crop through all phases of the life cycle. To avoid 'water banking', an implementation plan will be in place to demonstrate how full irrigation of their consented irrigation area will occur.	Reject

New definition	131	71131	71131.09		Horticulture New Zealand	Not stated	Insert new definition of "Reasonable and Efficient use" as follows: When applied to the taking or using of water for irrigation, reasonable and efficient use means an assessment of water use in the particular circumstances of the activity, including consideration of the water requirements for the land use activity; whether there are already existing resource consents for the use of water for the same area of land, the specified growth requirements of a business and the requirements of a crop through all phases of the life cycle. To avoid 'water banking', an implementation plan will be in place to demonstrate how full irrigation of their consented irrigation area will occur.	Reject
New rule	143	71143	71143.10		Trustpower Limited	Not stated	10A.3.2 Discretionary activity: Resource consent required 10A.3.2.1 Despite any other rule or rules in this Plan: a) any activity that is the replacement of an activity authorised under a Deemed Permit; or 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; that does not meet any one or more of the conditions of or Rule 10A.3.1.2 is a discretionary activity.	Reject
				FS714	Aukaha Ltd	Support in part	-	Reject
Not specified	255	71255	71255.02		Tuohy's Limited	Not stated	Recognise that small irrigation users do not have the same scope or resources that larger farmers enjoy and should not be held to the same standards in cost and compliance Give small farmers greater simplicity and leniency both in the permitting and monitoring process	Reject
Objective 10A.1.1		70020	70020.01		Southern District Health Board	Support	Adopt Objective 10A.1.1 in its proposed form	Accept in part
				FS715	Trustpower Limited	Oppose		Accept in part
Objective 10A.1.1		70045	70045.01		Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part	Amend as shown: Transition toward the ~~long-term~~ sustainable management of surface water resources in the Otago region by establishing an interim planning framework to commence phasing out over-allocation, avoid increasing over-allocation, manage ~~new~~ water permits, ~~and~~ including the replacement of deemed permits and water permits to take and use surface water ~~(including~~ and 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.	Reject
				FS711	Otago Water Users Resource Group	Oppose		Accept

				FS715	Trustpower Limited	Oppose		Accept
				FS709	Ngai Tahu ki Murihiku	Support in part		Reject
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS702	Director General of Conservation	Support		Reject
				FS714	Aukaha Ltd	Support		Reject
Objective 10A.1.1		70045	70045.06		Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part	Redraft of Objective 10A.1.1 to clarify, replace or remove the word “new” in relation to a resource consent.	Accept
				FS711	Otago Water Users Resource Group	Oppose		Reject
				FS715	Trustpower Limited	Oppose		Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	support		Accept
				FS709	Ngai Tahu ki Murihiku	Support in part		Accept in part
				FS705	Federated Farmers of New Zealand	Oppose		Reject
				FS714	Aukaha Ltd	Support in part		Accept in part
Objective 10A.1.1		70047	70047.03		Otago Province Federated Farmers of New Zealand	Oppose	Reject this objective as drafted.	Accept in part
				FS715	Trustpower Limited	Support in part		Accept in part
				FS712	Public Health South	Oppose		Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept in part
				FS708	Ministry for the Environment	Oppose		accept in part
Objective 10A.1.1		70048	70048.01		Queenstown Lakes District Council	Support	Retain as notified	Accept in part
				FS715	Trustpower Limited	Oppose		Reject
				FS710	Public Health South	Support		Accept in part
				FS703	Dunedin City Council	Support		Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
Objective 10A.1.1		70052	70052.01		Wise Response Society Inc	Support	Clarify events or time periods	Reject
				FS715	Trustpower Limited	Oppose		Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
Objective 10A.1.1	011	71011	71011.02		Anne and Laurie McAuley	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Objective 10A.1.1	031	71031	71031.02		Mt Barker Trust	Oppose	Replacement water permits are not an interim measure and that longer duration permits are provided for.	Reject

Objective 10A.1.1	032	71032	71032.01		Orchard Road Holdings Limited	Oppose	Replacement water permits are not an interim measure and that longer duration permits are provided for.	Reject
Objective 10A.1.1	071	71071	71071.02		Long Gully Water Race Society	Oppose	PC7 is unnecessary. The existing Otago Regional Council plan allows deemed permits to be replaced in a way that does not result in the unsustainable allocation of freshwater.	Reject
				FS715	Trustpower Limited	Oppose		Accept
Objective 10A.1.1	072	71072	71072.02		David Ronald Hill and Susan Ann Hill	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Objective 10A.1.1	085	71085	71085.02		Robin Dicey	Oppose	PC7 is unnecessary. The existing Otago Regional Council plan allows deemed permits to be replaced in a way that does not result in the unsustainable allocation of freshwater.	Reject
Objective 10A.1.1	089	71089	71089.01		CP and DE Mulholland	Oppose	Minimum of 15 years for permits.	Reject
Objective 10A.1.1	092	71092	71092.02		Lauder Water Users Group	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Objective 10A.1.1	113	71113	71113.02		Bannockburn Water Race Society Inc	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is not withdrawn, the submitter wishes a permitted activity be used to simply roll over permits without any changes until such time as ORC's LWRP becomes operative.	Reject
				FS715	Trustpower Limited	Oppose		Accept
Objective 10A.1.1	119	71119	71119.07		Pioneer Energy Limited	Oppose	Withdraw the whole of PC7 or amend PC7 to remove deemed permits relating to dams and associated infrastructure so that these permits can continue to have applications assessed under the current RWP framework and not PC7.	Reject
				FS715	Trustpower Limited	Support in part		Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
				FS714	Aukaha Ltd	Oppose		Accept

Objective 10A.1.1	129	71129	71129.02		Pisa Holdings Limited, Rockburn Wines Limited, Mark II Limited, Chard Farm Trustees Limited, Albany Heights Limited, Stuart Douglas Hawker & Phillippa Mary Hawker (Shareholders in Deemed Permit 95789)	Oppose	Wishes to see the whole of PC7 withdrawn OR Amend PC7 as follows: 1. Provide for existing activities to continue as permitted activities on the same terms and conditions as they are currently issued, including current statutory entitlements, until the new Land and Water Plan is operative. As an alternative, provide for such activities to be re-consented as controlled activities on the same terms and conditions, including statutory entitlements, until the Land and Water Plan is operative; 2. Amend the objective and policies so they do not apply to applications lodged before PC7 was notified; 3. Amend PC7 to recognize the relevance and importance of water abstraction and use for social, cultural and economic reasons; 8. Amend to improve drafting and clarify relationships between provisions; 9. Make all such other changes and grant such other, further and alternative relief necessary to give effect to the reasons for this submission.	Accept in part
Objective 10A.1.1	131	71131	71131.01		Horticulture New Zealand	Support	Retain as notified.	Accept in part
				FS715	Trustpower Limited	Oppose		Accept in part
Objective 10A.1.1	133	71133	71133.02		Falls Dam Company Limited ("FDC")	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to remove deemed permits relating to dams and irrigation infrastructure so that these permits can continue to have applications assessed under the current RPW framework and not PC7.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
Objective 10A.1.1	134	71134	71134.02		Hortinvest Limited ("Hortinvest")	Oppose	Wishes to see the whole PC7 withdrawn. OR Amend as follows: a. Introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. b. Exclude new applications to take water from catchments (including connected groundwater) not fully allocated, i.e. the Clutha Catchment. These applications are best dealt with under the existing RPW Framework. c. Provide clarity around whether it is intended to apply to new applications or replacement applications or both.	Accept in part
Objective 10A.1.1	135	71135	71135.02		Lindis Peaks Farming Limited ("Lindis Peaks")	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/MataAu River should not be included as the Clutha/Mata-Au is not fully allocated.	Reject

Objective 10A.1.1	136	71136	71136.02		Lauder Creek Limited – Heckler Family	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Objective 10A.1.1	137	71137	71137.04		Omakau Area Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR undertake urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Objective 10A.1.1	143	71143	71143.02		Trustpower Limited	Not stated	Amend objective by rewriting as follows: Surface water resources in the Otago region are managed and long-term sustainable management of these resources is enabled, by establishing an interim planning framework to manage the replacement of deemed permits, and water permits to take and use surface water that expire prior to 31 December 2025, in the period until the new Land and Water Regional Plan is made operative, while recognising the importance of hydro-electricity generation within the Region.	Reject
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS714	Aukaha Ltd	Support in part		Reject
Objective 10A.1.1	149	71149	71149.02		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Relief sought: a. Clarify what “the new Land and Water Regional Plan” is and that it will give effect to the NPSFM. b. Delete the words “long term” c. Remove reference to the new plan. Consider including an explanation to the objective. Alternatively add a footnote or definition to explain the new regional plan.	Accept in part
				FS715	Trustpower Limited	Oppose		Reject
				FS705	Federated Farmers of New Zealand	Oppose		Reject
				FS714	Aukaha Ltd	Support		Accept
Objective 10A.1.1	151	71151	71151.04		Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively mana whenua)	Support	Retain intent as notified.	Accept in part
				FS715	Trustpower Limited	Oppose		Accept in part
				FS712	Public Health South	Support		Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Accept in part

Objective 10A.1.1	159	71159	71159.02		Landpro Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
				FS705	Federated Farmers of New Zealand	Support		Reject
Objective 10A.1.1	168	71168	71168.01		Beef and Lamb New Zealand Ltd and Deer Industry New Zealand	Oppose in Part	The submitters seek that the provision is amended as set out below: ~~Transition toward the long-term sustainable management of surface water resources in the Otago region by establishing~~ To establish 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.	Reject
				FS715	Trustpower Limited	Oppose		Accept
Objective 10A.1.1	174	71174	71174.04		Te Ao Marama	Support	Retain the intent of Objective 10A.1 to enable an interim planning framework for a transitionary period, and ensure that this objective recognises that surface waterbodies are taonga, gives effect to Ministerial direction, is consistent with and progressing national direction for freshwater management during the transition, and anticipates a future planning framework that gives effect to national direction for freshwater management within the timeframes specified in that national direction.	Accept in part
				FS715	Trustpower Limited	Oppose		Accept in part
				FS712	Public Health South	Support		Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support		Accept in part
				FS714	Aukaha Ltd	Support		Accept in part
Objective 10A.1.1	177	71177	71177.02		Federated Farmers of New Zealand - Otago and North Otago Provinces	Oppose	Reject the objective as drafted.	Accept in part
				FS715	Trustpower Limited	Support in part		Accept in part
				FS712	Public Health South	Oppose		Accept in part
Objective 10A.1.1	204	71204	71204.02		Evelyn Margaret Skinner	Support	I support the accepting of Proposed Plan Change 7 as it stands.	Accept in part
Objective 10A.1.1	256	71256	71256.01		Jeremy Kenneth Walton	Support	Supports the ORC doing Plan Change 7 now	Accept
Policy 10A.2	045	71045	71045.04		William James Anthony Young and Carol Edith Young	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject

Policy 10A.2.1		70020	70020.02		Southern District Health Board	Support	Adopt Policy 10A.2.1 in its proposed form	Accept in part
				FS715	Trustpower Limited	Oppose		Accept in part
Policy 10A.2.1		70027	70027.02		Loretta and Andrew Bush	Support	Make a minor amendment to Policy 10A.2.1(d) to make clear that short term consents are held to any relevant minimum flows listed in the RPW	Reject
Policy 10A.2.1		70036	70036.01		Aotearoa New Zealand Fine Wine Estates Limited Partnership	Oppose	Amend as shown: 10A.2.1: 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: (a) The deemed permit or water permit that is being replaced is a valid permit; and (b) A review condition imposed on the replacement permit. ~~There is no increase in the area under irrigation, if the abstracted water is used for irrigation;~~ and (c) The rate of take and volume shall be no more than the demonstrated reasonable and efficient use with a 9 in 10 year reliability. ~~There is no increase in the instantaneous rate of abstraction; and~~ ~~(d) Any existing residual flow, minimum flow or take cessation condition is applied to the new permit; and~~ ~~(e) There is a reduction in the volume of water allocated for abstraction.~~	Reject
				FS715	Trustpower Limited	Oppose		Accept
Policy 10A.2.1		70045	70045.02		Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part	Amend as shown: (d) Any existing residual flow, minimum flow, relevant minimum flow listed in Schedule 2 or take cessation condition is applied to the new permit.	Reject
				FS711	Otago Water Rights User Group	Oppose		Accept
				FS715	Trustpower Limited	Oppose		Accept
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
				FS709	Ngai Tahu ki Murihiku	Support in part		Reject
				FS714	Aukaha Ltd	Support		Reject
Policy 10A.2.1		70045	70045.07		Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part	Amend Policy 10A.2.1 to achieve - Clarity about how the policies are to be read alongside other policies within the plan and within chapter 10A. Redraft of Policies 10A.2.1 – 10A.2.3 to clarify, replace or remove the word “new” in relation to a resource consent.	Accept in part
				FS711	Otago Water Rights User Group	Oppose		Reject
				FS715	Trustpower Limited	Oppose		Reject
				FS709	Ngai Tahu ki Murihiku	Support in part		Accept in part

				FS714	Aukaha Ltd	Support in part		Accept in part
Policy 10A.2.1		70047	70047.04		Otago Province Federated Farmers of New Zealand	Oppose	Delete this policy	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS712	Public Health South	Oppose		Accept
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
Policy 10A.2.1		70048	70048.02		Queenstown Lakes District Council	Support in part	Amend as shown: (c) There is no increase in the instantaneous rate of abstraction except in relation to a community water supply where needed for population growth that is reasonably anticipated over the term of the consent; and (e) There is a reduction in the volume of water allocated for abstraction 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.	Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support & oppose in part	No exemptions made for community water supply.	Reject
				FS703	Dunedin City Council	Support		Accept in part
				FS712	Public Health South	Support		Accept in part
				FS709	Ngai Tahu ki Murihiku	Support in part		Accept in part
				FS705	Federated Farmers of New Zealand	Oppose		Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
Policy 10A.2.1		70052	70052.09		Wise Response Society Inc	Support	Insert new provision: There is a farm plan that demonstrates that landuse practice is improving water holding capacity (or sustaining it where it is already high).	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
				FS705	Federated Farmers of New Zealand	Support in part		Reject
Policy 10A.2.1	006	71006	71006.01		Geoffrey Robert Crutchley	Oppose	This policy specifically states “avoid granting a consent except where there is a reduction in the allocation”. No rationale is offered for this, and it allows for no consideration of other mitigating factors, including efficiency of use.	Accept in part
Policy 10A.2.1	007	71007	71007.01		Cold Gold Clutha Limited	Oppose	The addition of, "(f) the water permit is for non-consumptive take."	Reject
				FS709	Ngai Tahu ki Murihiku	Support in part		Reject

				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.1	031	71031	71031.03		Mt Barker Trust	Oppose	The condition relating to total land area irrigated is deleted.	Reject
Policy 10A.2.1	032	71032	71032.02		Orchard Road Holdings Limited	Oppose	The condition relating to total land area irrigated is deleted.	Reject
Policy 10A.2.1	040	71040	71040.02		Peter John and Glenda Elizabeth McGrath	Oppose	Wishes to see the whole of PC7 withdrawn and ORC should finalise their comprehensive review of the Regional Plan: Water first.	Reject
Policy 10A.2.1	045	71045	71045.02		William James Anthony Young and Carol Edith Young	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.1	073	71073	71073.01		Banarach Farm Limited	Oppose	Amend Policy 10A.2.1 to read: Only consider granting applications that will replace deemed permits, or water permits to divert, take or 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: (a) it will replace a lawfully established divert, take or use affected by the provisions of Section 124-124C of the RMA; and (b) There is no increase in the instantaneous rate of abstraction; and (c) An appropriate residual flow, minimum flow or take cessation condition is applied to the new permit; and (d) An appropriate annual volume is proposed in accordance with Method 10A.4.	Reject
				FS715	Trustpower Limited	Support in part		Reject
Policy 10A.2.1	074	71074	71074.02		Terry Cooke for TJ&J Cooke	Not stated	No specific decision sought.	Reject
Policy 10A.2.1	080	71080	71080.01		Kakanui Water Allocation Committee	Oppose	Oppose the inclusion of water permits which expire prior to 31 December 2025, and a continuance/ rollover be granted to these consents to allow them to be dealt with under the new Otago Land and Water Plan.	Reject
				FS715	Trustpower Limited	Oppose		Accept

Policy 10A.2.1	105	71105	71105.01		North Otago Irrigation Company Limited	Oppose	Amend Policy 10A.2.1 to read: Only consider granting applications that will replace deemed permits, or water permits to divert, take or 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: (a) it will replace a lawfully established divert, take or use affected by the provisions of Section 124-124C of the RMA; and (b) There is no increase in the instantaneous rate of abstraction; and (c) An appropriate residual flow, minimum flow or take cessation condition is applied to the new permit; and (d) An appropriate annual volume is proposed in accordance with Method 10A.4.	Reject
				FS715	Trustpower Limited	Support in part		Reject
				FS712	Public Health South	Oppose		Accept
				FS706	Horticulture New Zealand	Support in part		Reject
Policy 10A.2.1	107	71107	71107.02		Coal Creek Water Users Group	Oppose	Abandon Plan Change 7, continue with the current water plan that we consider "fit for purpose". OR Amend the RMA to extend the October 2021 deadline to 2025 that will co-incide with the national water strategy. By then ORC should have themselves organised with the new NPS based water plan. This would not be a waste of parliamentary time compared to the wasted time and effort by irrigators and ORC.	Reject
Policy 10A.2.1	109	71109	71109.02		Caroline Tamblyn	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.1	114	71114	71114.02		Richard Tamblyn	Oppose	Wishes to see the whole of PC7 withdrawn and all remaining deemed permit renewals be processed under the current plan. All current water use should be treated as a complying activity without restriction if PC7 is used as this is meant to be an interim renewal .	Reject
Policy 10A.2.1	119	71119	71119.01		Pioneer Energy Limited	Oppose	Withdraw the whole of PC7 or amend PC7 to remove deemed permits relating to dams and associated infrastructure so that these permits can continue to have applications assessed under the current RWP framework and not PC7.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
				FS714	Aukaha Ltd	Oppose		Accept

Policy 10A.2.1	129	71129	71129.03		Pisa Holdings Limited, Rockburn Wines Limited, Mark II Limited, Chard Farm Trustees Limited, Albany Heights Limited, Stuart Douglas Hawker & Phillippa Mary Hawker (Shareholders in Deemed Permit 95789)	Oppose	Wishes to see the whole of PC7 withdrawn OR Amend PC7 as follows: 1. Provide for existing activities to continue as permitted activities on the same terms and conditions as they are currently issued, including current statutory entitlements, until the new Land and Water Plan is operative. As an alternative, provide for such activities to be re-consented as controlled activities on the same terms and conditions, including statutory entitlements, until the Land and Water Plan is operative; 2. Amend the objective and policies so they do not apply to applications lodged before PC7 was notified; 3. Amend PC7 to recognize the relevance and importance of water abstraction and use for social, cultural and economic reasons; 4. Remove the restrictions on irrigable areas and the requirement to reduce allocation; 8. Amend to improve drafting and clarify relationships between provisions; 9. Make all such other changes and grant such other, further and alternative relief necessary to give effect to the reasons for this submission.	Accept in part
Policy 10A.2.1	131	71131	71131.04		Horticulture New Zealand	Oppose in Part	Amend as follows: 10A.2.1 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: (a) The deemed permit or water permit that is being replaced is a valid permit; and (b) A review condition imposed on the replacement permit. ~~There is no increase in the area under irrigation, if the abstracted water is used for irrigation; and~~ ~~(c)~~ The rate of take and volume shall be no more than the demonstrated reasonable and efficient use with a 9 in 10 year reliability ~~There is no increase in the instantaneous rate of abstraction; and~~ ~~(d) Any existing residual flow, minimum flow or take cessation condition is applied to the new permit; and~~ ~~(e) There is a reduction in the volume of water allocated for abstraction.~~	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Support in part		Reject

Policy 10A.2.1	133	71133	71133.03		Falls Dam Company Limited ("FDC")	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to remove deemed permits relating to dams and irrigation infrastructure so that these permits can continue to have applications assessed under the current RPW framework and not PC7.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
Policy 10A.2.1	134	71134	71134.03		Hortinvest Limited ("Hortinvest")	Oppose	Wishes to see the whole PC7 withdrawn. OR Amend as follows: a. Introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. b. Exclude new applications to take water from catchments (including connected groundwater) not fully allocated, i.e. the Clutha Catchment. These applications are best dealt with under the existing RPW Framework. c. Provide clarity around whether it is intended to apply to new applications or replacement applications or both.	Accept in part
Policy 10A.2.1	135	71135	71135.03		Lindis Peaks Farming Limited ("Lindis Peaks")	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/MataAu River should not be included as the Clutha/Mata-Au is not fully allocated.	Reject
Policy 10A.2.1	137	71137	71137.05		Omakau Area Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR undertake urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.1	139	71139	71139.02		Terraces Irrigation Limited ("TIL")	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/Mata-Au River should not be included as the Clutha/Mata-Au is not fully allocated. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
				FS712	Public Health South	Oppose		Accept

Policy 10A.2.1		71143	71143.04		Trustpower Limited	Not stated	Amend as follows: 10A.2.1 ~~Irrespective of any other policies in this Plan, avoid granting~~ Enable 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: (a) The deemed permit or water permit that is being replaced ~~is a valid permit~~ was legally authorised and has been exercised over the previous 5 years; and (b) For consents to take and use water for irrigation: (i) There is no increase in the area under irrigation, if the abstracted water is used for irrigation; and ~~(c)~~ (ii) There is no increase in the instantaneous rate of abstraction; and ~~(d)~~ (iii) Any existing residual flow, minimum flow or take cessation condition is applied to the new permit or where no residual / minimum flow condition is currently applied, one is set in the replacement consent; and ~~(e)~~ (iv) There is a reduction in the volume of water allocated for abstraction; or (c) The consents relate to the take and use water for the purpose of hydroelectricity generation.	Accept in part
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose		Accept in part
				FS705	Federated Farmers of New Zealand	Oppose in Part		Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
Policy 10A.2.1	149	71149	71149.17		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	In Policy 10A.2.1 add a requirement for inclusion of a condition for cessation of take to maintain ecological flows.	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS707	Landpro Limited	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS714	Aukaha Ltd	Support		Reject
Policy 10A.2.1	151	71151	71151.05		Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively mana whenua)	Support	Retain as notified.	Accept in part
				FS715	Trustpower Limited	Oppose		Accept in part
				FS712	Public Health South	Support		Accept in part

				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Accept in part
Policy 10A.2.1	159	71159	71159.03		Landpro Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Policy 10A.2.1	163	71163	71163.02		Ida Valley Irrigation Company Limited	Oppose	To revoke in its entirety Plan Change 7 and to have water permit/consent applications heard and decided under the current planning documentation.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.1	165	71165	71165.02		Brent William Marshall	Not stated	Wishes to see the whole PC7 withdrawn and continue with the current water plan that the submitter considers "fit for purpose". Alternatively amend the RMA to extend the October 2021 deadline to 2025 that will co-incide with the national water strategy. By then ORC should have themselves organised with the new NPS based water plan. This would not be a waste of parliamentary time compared to the wasted time and effort by irrigators and ORC.	Reject
Policy 10A.2.1	168	71168	71168.02		Beef and Lamb New Zealand Ltd and Deer Industry New Zealand	Oppose	The submitters seek that the provision is deleted in its entirety.	Reject
				FS715	Trustpower Limited	Oppose		Accept
Policy 10A.2.1	174	71174	71174.05		Te Ao Marama	Support	Retain the overall intent of Policy 10A.2.1 and ensure that this policy provides certainty during the transitionary period that there is no potential increase in adverse effects or pressures on waterbodies from water use, by increasing irrigation area for example, and that there is both a decrease in allocation during this period and more water retained instream where minimum flows are applicable, as a first step towards a future planning framework that gives effect to national direction for freshwater management.	Accept in part
				FS715	Trustpower Limited	Oppose		Reject
				FS712	Public Health South	Support		Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support		Accept in part
				FS714	Aukaha Ltd	Support		Accept in part
Policy 10A.2.1	177	71177	71177.03		Federated Farmers of New Zealand - Otago and North Otago Provinces	Oppose	Submitter opposes Policy 10A.2.1.	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS712	Public Health South	Oppose		Accept

Policy 10A.2.1	180	71180	71180.04		Director General of Conservation	Support in part	Apply "banding" or some other suitable a flow trigger that signals when the different priority takes can operate to the short-term consents that enables them to retain their current deemed permit priority in Policy 10A.2.1 and Rule 10A3.1.1, as follows or to like effect as follows: Policy 10A.2.1, add new paragraph (f) *(f) Flow triggers or bands are established to enable short term consents to retain their previous deemed permit priorities; and* Undertake hydrological studies to ascertain the effects of removing consent priority on consents and their effects on residual or minimum flows, and consequent effects on life supporting capacity for instream fauna and ecosystems.	Accept in part
				FS715	Trustpower Limited	Oppose		Accept in part
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Accept in part
				FS707	Landpro Limited	Oppose		Accept in part
				FS706	Horticulture New Zealand	Oppose		Accept in part
				FS705	Federated Farmers of New Zealand	Oppose		Accept in part
				FS714	Aukaha Ltd	Support		Accept in part
Policy 10A.2.1	180	71180	71180.05		Director General of Conservation	Support in part	Include instream values in Policy 10A.2.1 by adding additional paragraphs (g) and (h): *(g) Providing for the life supporting capacity of non - migratory galaxiid species, native and endemic migratory fishes, kākahi / freshwater mussels, koura / crayfish, freshwater invertebrates, and braided riverbed bedbirds; and* *(h) Protection of significant habitats of threatened freshwater fishes2, invertebrates3 and braided riverbed birds, including nationally critical, endangered, vulnerable and At Risk-Declining species; and*	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
				FS709	Ngai Tahu ki Murihiku	Support in part		Reject
				FS707	Landpro Limited	Oppose		Accept
				FS706	Horticulture New Zealand	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS714	Aukaha Ltd	Support		Reject
Policy 10A.2.1	236	71236	71236.02		Avalon Station Ltd	Oppose	To not proceed with PC7	Reject
Policy 10A.2.1	256	71256	71256.02		Jeremy Kenneth Walton	Support	Supports the ORC doing Plan Change 7 now	Accept
Policy 10A.2.1(a)		70030	70030.02		M Sole	Support	Retain as notified	Accept
				FS715	Trustpower Limited	Oppose		Reject
Policy 10A.2.1(a)		70052	70052.04		Wise Response Society Inc	Support	Support	Accept

				FS715	Trustpower Limited	Oppose		Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Accept
Policy 10A.2.1(b)		70030	70030.03		M Sole	Support	Retain as notified	Accept in part
				FS715	Trustpower Limited	Support in part		Accept in part
Policy 10A.2.1(b)		70052	70052.05		Wise Response Society Inc	Support	Support	Accept in part
				FS715	Trustpower Limited	Support in part		Accept in part
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Accept in part
Policy 10A.2.1(b)		70055	70055.01		Clachanburn Station	Not stated	Amend by removing restriction on irrigated area	Reject
Policy 10A.2.1(b)	010	71010	71010.04		John Patrick and Christine Eleanor Symons	Oppose	The total land area which is to be irrigated should be able to be increased.	Accept in part
Policy 10A.2.1(b)	011	71011	71011.03		Anne and Laurie McAuley	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.1(b)	014	71014	71014.02		Sowburn Water Co Ltd	Oppose	The Taieri Catchment (including Sowburn Creek) water permits are 80% processed using the existing plan rules and policies. It is recommended that these continue to be processed through the existing plan rules and policies and refuse all aspects of PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.1(b)	016	71016	71016.02		Gavan James Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Policy 10A.2.1(b)	017	71017	71017.02		Benjamin Patrick Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Policy 10A.2.1(b)	018	71018	71018.02		Duncan Cleugh Farming Trust	Oppose	If the whole PC7 is not withdrawn, delete this clause from the plan change.	Reject
Policy 10A.2.1(b)	022	71022	71022.02		Robert Bruce Allan, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Policy 10A.2.1(b)	023	71023	71023.02		Gavan James Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Policy 10A.2.1(b)	024	71024	71024.02		James Andrew Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Policy 10A.2.1(b)	025	71025	71025.02		Catherine Mary Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Policy 10A.2.1(b)	027	71027	71027.02		James Andrew Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Policy 10A.2.1(b)	028	71028	71028.03		Robert James Stewart Rutherford	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Policy 10A.2.1(b)	034	71034	71034.02		Maurice and Shirley Turner	Oppose	Wishes to see the whole of PC7 withdrawn. ORC to roll over all existing permits as they are, till 31st December 2025.	Reject
Policy 10A.2.1(b)	036	71036	71036.02		MD and DG Jones Family Trust	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject

Policy 10A.2.1(b)	037	71037	71037.02		Harold Kruse Davidson	Oppose	Wishes to see the whole of PC7 withdrawn. The water take is sufficient to dictate the area irrigated.	Reject
Policy 10A.2.1(b)	043	71043	71043.02		Pisa Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR amend existing policies and methods in the RPW, OR widthraw PC7 and replace with simple transitional objectives and policies implemented by a permitted activity rule and supporting methods.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.1(b)	057	71057	71057.02		Alistair and Barbara Groundwater	Oppose	Wishes to see the whole of PC7 withdrawn. The Otago Reginal Council (ORC) can process water permit applications under the existing plan and does not need to establish an interim planning framework. A minimum consent length of 25yrs would be required to allow the Bank to provide development funding for the industry.	Reject
Policy 10A.2.1(b)	060	71060	71060.02		Hawkdun Idaburn Irrigation Co	Oppose	Wishes to see the whole of PC7 withdrawn and deemed permits to be replaced by October 2021, be considered under the current operative plan.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.1(b)	063	71063	71063.02		Hamilton Dairy Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Policy 10A.2.1(b)	067	71067	71067.01		Stonehenge Limited	Oppose	Any reference or restriction on irrigated area should be removed from PC7.	Reject
Policy 10A.2.1(b)	068	71068	71068.04		Dairy Farms Partnership	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Policy 10A.2.1(b)	069	71069	71069.04		Molyneux Farm Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Clutha catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Policy 10A.2.1(b)	079	71079	71079.02		En Hakkore Partnership	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.1(b)	082	71082	71082.02		GlenAyr Ltd	Oppose	Every case should be on its own merits. Those applicants such as ourselves who are prepared to present a comprehensive application that improves the status quo at considerable capital expense should be rewarded with certainty of tenure to enable financing. PC7 should be amended to recognise water sharing and catchment groups. There should not be a requirement to not increase the area irrigated as water users should benefit from using best practice and technology to make their water go further. Proposed water use and application method should be considered in tandem with historic water use.	Reject

Policy 10A.2.1(b)	083	71083	71083.02		Puketoi Farming Company	Not stated	Any reference or restriction on irrigated area should be removed from PC7.	Reject
Policy 10A.2.1(b)	084	71084	71084.02		Maniototo West Side Irrigation Company Ltd	Oppose	Reference to the size of the irrigated area to be removed from the proposed plan change.	Reject
Policy 10A.2.1(b)	090	71090	71090.01		Tim O'Sullivan	Oppose	Prior to development at Lowburn which involved pulling out the border-dyke system we irrigated 70ha and applied an excess of 1000mm/yr. Why would you penalise me for introducing a new system which would see micro spray irrigation over a larger area. Due to the low infiltration rate of such system this should be promoted for the following reasons: no run off, reduced leaching, an increased irrigable area, no additional use in overall water consumption, and a far more productive crop not only for the community but for the wider nation.	Reject
Policy 10A.2.1(b)	091	71091	71091.02		Kenneth Allan Fergusson	Oppose	Wishes to see the whole of PC7 withdrawn and create a plan that takes into account specific catchments and their own issues relating to that catchment. For example; whether a river already has a working minimum flow, general river and environment health in regards to nutrient levels etc.	Reject
Policy 10A.2.1(b)	092	71092	71092.03		Lauder Water Users Group	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.1(b)	094	71094	71094.03		Manuherikia Irrigation Co-operative Society Limited ("MICSL")	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.1(b)	095	71095	71095.01		David John Shepherd	Oppose	Request to see it deleted and that any rules contingent upon the draft policy clause are adjusted accordingly.	Reject
Policy 10A.2.1(b)	096	71096	71096.02		Craig Gordon Webster	Oppose	Request this policy be deleted. Future technology will see the better and more efficient use of irrigation water which should mean water can go further and cover an increased area. Why restrict that if it is better in every way?	Reject
Policy 10A.2.1(b)	099	71099	71099.02		Two Farmers Farming Ltd	Oppose	If PC7 is not withdrawn, submitter seeks the urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessment. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Policy 10A.2.1(b)	100	71100	71100.02		DB & JWS Kinney Trust	Oppose	Wishes to see the whole of PC7 withdrawn and process further deemed permits and other water permit applications under the current Plan until the LWRP becomes operative.	Reject
Policy 10A.2.1(b)	115	71115	71115.02		Mt Pisa Station Holdings	Oppose	If PC7 is not withdrawn, then new irrigated areas be extended out to a much greater area without requiring resource consent.	Reject

Policy 10A.2.1(b)	116	71116	71116.02		Carrick Irrigation Co Ltd	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process the permits under the current plan. If the whole PC7 is not withdrawn, then the submitter wishes that a permitted activity rule is established that enables the permits to roll over as is without any change.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.1(b)	136	71136	71136.03		Lauder Creek Limited – Heckler Family	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.1(b)	138	71138	71138.02		Phada Industries Ltd	Oppose	Wishes to see the whole of PC7 withdrawn, OR amended to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Policy 10A.2.1(b)	145	71145	71145.02		Knapdale Farms Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Policy 10A.2.1(b)	155	71155	71155.02		Isabella May Anderson	Oppose	The ORC should remove PC7 completely. If the plan is not removed entirely then the submitter would support the options outlined in OWRUG submission to amend the current framework for permit renewal.	Reject
Policy 10A.2.1(b)	170	71170	71170.02		McArthur Ridge Vineyard Ltd	Oppose	Resort to principles and policies proposed.	Reject
Policy 10A.2.1(b)	173	71173	71173.04		Clutha District Council and Waitaki District Council	Oppose	Amend to not apply to any Schedule 1B or 3B water take or any associated water supply take. Remove (b).	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support & oppose in part	No exemptions made for community water supply.	Reject
				FS714	Aukaha Ltd	Oppose		Accept
Policy 10A.2.1(b)	185	71185	71185.02		Tinwald Farm Holdings Limited	Oppose	Decline PC7 in its entirety. OR Decline PC7 in its entirety and amend existing policies and methods in the Regional Plan: Water for Otago. OR Decline PC7 in its entirety and replaced with simple transitional objectives and policies, implemented by a permitted activity rule, and Supporting methods (see submission for explanation of each of these methods)	Reject
Policy 10A.2.1(b)	189	71189	71189.01		Anna Tyrrell	Oppose	Remove the restriction on area permitted to be irrigated.	Accept in part
Policy 10A.2.1(b)	196	71196	71196.01		Airdrie	Oppose	Remove in its entirety	Reject
Policy 10A.2.1(b)	199	71199	71199.02		Hiburn Farm and Coburn Partnership	Oppose	Decline PC7	Reject
Policy 10A.2.1(b)	214	71214	71214.02		Ian Hewett	Oppose	Amend the policy	Reject

Policy 10A.2.1(b)	218	71218	71218.01		Shag Valley Station	Oppose	That the water permit being replaced should be renewed under its existing conditions including the rate of take, total take and minimum flow cut off levels.	Accept in part
Policy 10A.2.1(b)	230	71230	71230.02		Davison Agriculture Ltd	Not stated	That PC7 is declined in its entirety; or That PC7 is declined in its entirety and amendments are made to existing policies and methods in the RPW That PC7 is declined in its entirety and replaced with i. Simple transitional objectives and policies; ii. Implemented by a permitted activity rule; and iii. Supporting methods	Reject
Policy 10A.2.1(b)	233	71233	71233.01		Peter Gerald McLeod	Not stated	Amend Policy 10A.2.1(b) to allow an incremental increase in 17/18 areas (without an increase in abstraction)	Accept in part
Policy 10A.2.1(c)		70030	70030.04		M Sole	Support	Retain as notified	Accept in part
					FS715	Support in part		Accept in part
Policy 10A.2.1(c)		70052	70052.06		Wise Response Society Inc	Support	Define the environmental flow regime.	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
Policy 10A.2.1(c)	149	71149	71149.13		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Amend Policy 10A.2.1 (c) to read “There is no increase and preferably a decrease in the instantaneous rate of abstraction”	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Accept in part
				FS706	Horticulture New Zealand	Oppose		Accept in part
				FS705	Federated Farmers of New Zealand	Oppose		Accept in part
				FS714	Aukaha Ltd	Support		Accept in part
Policy 10A.2.1(c)	169	71169	71169.02		Closeburn Station	Oppose	In catchments where minimum flows settings are in place (Taieri) applications for renewal of permits should continue under the existing plan. In catchments where minimum flows have yet to be set, status quo maintained while this work is completed.	Reject
				FS715	Trustpower Limited	Oppose		Accept
Policy 10A.2.1(d)		70030	70030.05		M Sole	Support	Amend to clarify that any short term consents are held relative to any minimum flows set in the Regional Plan: Water	Reject
Policy 10A.2.1(d)		70052	70052.07		Wise Response Society Inc	Support	Amend as shown: ~~Any~~ existing residual flow, ….	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
Policy 10A.2.1(d)	103	71103	71103.02		Dennis Anthony Cairns - Kynlallan Farming Co LTD	Oppose	Wishes to see the whole of PC7 withdrawn and to enter into non-bias dialogue with the local community as to the use of the waters in the Manuherikia Valley.	Reject
Policy 10A.2.1(d)	149	71149	71149.15		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Include direction for a minimum flow limit to be included on any consents which are granted.	Reject

				FS707	Landpro Limited	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS714	Aukaha Ltd	support		Reject
Policy 10A.2.1(d)	180	71180	71180.03		Director General of Conservation	Support in part	Reword Policy 10A 2.1. (d) to: Any existing residual flow, minimum flow, or take cessation condition, or *relevant Schedule 2A minimum flow* (whichever is applicable) ~~included in the application for the resource consent~~ included as a condition in the application.	Reject
				FS714	Aukaha Ltd	Support		Reject
Policy 10A.2.1(e)		70046	70046.01		Cardrona Alpine Resort Ltd	Oppose	Amend as shown: There is a reduction in the volume of water allocated for abstraction where that abstraction is specific to irrigation purposes only, such that the intent of Policy 10A.2 does not adversely affect domestic, communal or commercial water users or water taken for snow making purposes.	Reject
				FS706	Horticulture New Zealand	Oppose in Part		Accept in part
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS714	Aukaha Ltd	Oppose		Accept
Policy 10A.2.1(e)		70052	70052.08		Wise Response Society Inc	Support	Replace with "Water allocated does not conflict with the environmental flow regime"	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
				FS705	federated Farmers of New Zealand	Support in part		Reject
Policy 10A.2.1(e)		70055	70055.02		Clachanburn Station	Not stated	Amend by linking volume of water allocation for extraction with established or future established minimum flows, and not in the absense of minimum flows	Reject
Policy 10A.2.1(e)	036	71036	71036.03		MD and DG Jones Family Trust	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
Policy 10A.2.1(e)	043	71043	71043.03		Pisa Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR amend existing policies and methods in the RPW, OR widthraw PC7 and replace with simple transitional objectives and policies implemented by a permitted activity rule and supporting methods.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.1(e)	060	71060	71060.03		Hawkdun Idaburn Irrigation Co	Oppose	If the whole PC7 is not withdrawn, the submitter requests that this clause be removed.	Accept in part
				FS712	Public Health South	Oppose		Reject
Policy 10A.2.1(e)	067	71067	71067.02		Stonehenge Limited	Oppose	Amend this policy	Accept in part

Policy 10A.2.1(e)	068	71068	71068.05		Dairy Farms Partnership	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Policy 10A.2.1(e)	069	71069	71069.05		Molyneux Farm Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Clutha catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Policy 10A.2.1(e)	083	71083	71083.03		Puketoi Farming Company	Not stated	Rules and methodology for calculating rate of take need removed from PC7. Reduction in volume of water allocated for extraction, should be linked to established or future established minimum flows and not done in the absence of minimum flows.	Reject
Policy 10A.2.1(e)	094	71094	71094.04		Manuherikia Irrigation Co-operative Society Limited ("MICSL")	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.1(e)	106	71106	71106.02		Lynne Jennifer Warden	Oppose	Do not reduce any allocation or water volume take from the Adams Gully (Private Race). Submits that the water permits are renewed in their present form.	Accept in part
Policy 10A.2.1(e)	149	71149	71149.16		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Amend Policy 10A.2.1 (e) to set out: i. a preference for activities which will have reduction in allocation of at least 20%. ii. the consideration of activities where a reduction which is above 20% so long as it is below the original volume of water allocation.	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS707	Landpro Limited	Oppose		Accept
				FS706	Horticulture New Zealand	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS714	Aukaha Ltd	Support		Reject
Policy 10A.2.1(e)	173	71173	71173.05		Clutha District Council and Waitaki District Council	Oppose	Amend to not apply to any Schedule 1B or 3B water take or any associated water supply take. Amend from a "reduction" in water allocation to "no increase" in water allocation.	Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support& oppose in part	No exemptions made for community water supply.	Accept in part
				FS712	Public Health South	Oppose		Reject
				FS705	federated Farmers of New Zealand	Oppose in Part		Accept in part
				FS714	Aukaha Ltd	Oppose		Reject

Policy 10A.2.1(e)	178	71178	71178.10		Central Otago District Council	Oppose	Remove the requirement in Policy 10A.2.1(e) that Council shall avoid granting resource consents to replace existing permits "unless there is a reduction in the water allocated for abstraction."	Accept in part
				FS705	Federated Farmers of New Zealand	Support		Accept in part
Policy 10A.2.1(e)	185	71185	71185.03		Tinwald Farm Holdings Limited	Oppose	Decline PC7 in its entirety. OR Decline PC7 in its entirety and amend existing policies and methods in the Regional Plan: Water for Otago. OR Decline PC7 in its entirety and replaced with simple transitional objectives and policies, implemented by a permitted activity rule, and Supporting methods (see submission for explanation of each of these methods)	Reject
Policy 10A.2.1(e)	218	71218	71218.02		Shag Valley Station	Oppose	That the water permit being replaced should be renewed under its existing conditions including the rate of take, total take and minimum flow cut off levels.	Reject
Policy 10A.2.1(e)	230	71230	71230.03		Davison Agriculture Ltd	Not stated	That PC7 is declined in its entirety; or That PC7 is declined in its entirety and amendments are made to existing policies and methods in the RPW That PC7 is declined in its entirety and replaced with i. Simple transitional objectives and policies; ii. Implemented by a permitted activity rule; and iii. Supporting methods	Reject
Policy 10A.2.1(e)	102	71102	71102.02		Strath Clyde Water Limited	Oppose	The water use allocated to a property should be based on what the needs are for the crop grown, balanced with the environmental requirements of the catchment.	Reject
Policy 10A.2.2		70012	70012.01		Mervyn Mitchell	Oppose	Decline the plan change	Reject
Policy 10A.2.2		70020	70020.03		Southern District Health Board	Support	Adopt Policy 10A.2.2 in its proposed form	Accept in part
				FS715	Trustpower Limited	Oppose		Accept in part
				FS708	Ministry for the Environment	Support		Accept in part
Policy 10A.2.2		70036	70036.03		Aotearoa New Zealand Fine Wine Estates Limited Partnership	Oppose	Amend as shown: 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.~~ if a review condition is imposed to ensure the consent is reviewed once the Otago Land and Water Plan 2025 is operative.	Reject
				FS715	Trustpower Limited	Oppose		Accept
Policy 10A.2.2		70040	70040.01		Balquhidder Farming Ltd	Oppose	Decline the plan change	Reject
Policy 10A.2.2		70040	70040.04		Balquhidder Farming Ltd	Oppose	Decline the plan change	Reject
Policy 10A.2.2		70045	70045.04		Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part	Amend Chapters 6 and 12 of the RPW to be consistent with this policy.	Reject
				FS711	Otago Water Rights User Group	Oppose		Accept
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
				FS709	Ngai Tahu ki Murihiku	Support in part		Reject

				FS706	Horticulture New Zealand	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS703	Dunedin City Council	Oppose		Accept
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.2		70045	70045.08		Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part	Amend Policy 10A.2.2 to achieve - Clarity about how the policies are to be read alongside other policies within the plan and within chapter 10A. Redraft of Policies 10A.2.1 – 10A.2.3 to clarify, replace or remove the word “new” in relation to a resource consent.	Accept in part
				FS711	Otago Water Rights User Group	Oppose		Accept in part
				FS715	Trustpower Limited	Oppose		Accept in part
				FS709	Ngai Tahu ki Murihiku	Support in part		Accept in part
				FS705	Federated Farmers of New Zealand	Oppose		Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
Policy 10A.2.2		70047	70047.05		Otago Province Federated Farmers of New Zealand	Oppose	Delete this policy	Reject
				FS712	Public Health South	Oppose		Accept
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
				FS708	Ministry for the Environment	Oppose		Accept
Policy 10A.2.2		70048	70048.03		Queenstown Lakes District Council	Support in part	Amend as shown: 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, except where relating to community drinking water supplies where longer term durations may be granted.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support & oppose in part	No exemptions made for community water supply.	Accept
				FS703	Dunedin City Council	Support		Reject
				FS715	Trustpower Limited	Support in part		Accept in part
				FS712	Public Health South	Support		Reject
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS714	Aukaha Ltd	Support in part		Accept in part
Policy 10A.2.2	002	71002	71002.01		Mark Skinner	Oppose	Addition of the following text into the end of the policy, "except for non-consumptive takes which may have a greater duration."	Reject

				FS715	Trustpower Limited	Support in part		Reject
				FS714	Aukaha Ltd	Oppose		Accept
Policy 10A.2.2	003	71003	71003.02		Darryl Sycamore	Oppose	Adopt a sensible term of consent for non-consumptive takes such as suction gold dredging rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment.	Reject
				FS715	Trustpower Limited	Support in part		Reject
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.2	004	71004	71004.01		Graeme Hutchins	Oppose	Addition of the following text at the end of the policy "except for non-consumptive takes which may have a greater duration."	Reject
				FS715	Trustpower Limited	Support in part		Reject
				FS714	Aukaha Ltd	oppose		Accept
Policy 10A.2.2	005	71005	71005.01		Russell Irwin Knight and Doug Jones	Oppose	Addition of the following text at the end of the policy "except for non-consumptive takes which may have a greater duration."	Reject
				FS715	Trustpower Limited	Support in part		Reject
				FS714	Aukaha Ltd	Oppose		Accept
Policy 10A.2.2	007	71007	71007.02		Cold Gold Clutha Limited	Oppose	The addition of the following sentence at the end of the policy ", except for non-consumptive water takes."	Reject
				FS715	Trustpower Limited	Support in part		Reject
				FS714	Aukaha Ltd	Oppose		Accept
Policy 10A.2.2	008	71008	71008.02		Marian Elizabeth Weaver	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.2	010	71010	71010.01		John Patrick and Christine Eleanor Symons	Oppose	Change the term of 6 years to 20 years.	Reject
				FS715	Trustpower Limited	Oppose		Accept
Policy 10A.2.2	013	71013	71013.02		Lone Star Farms Ltd	Oppose	It is recommended to the Council or the Environment Court to process all Strath Taieri permits through the existing plan rules and policies and refuse all aspects of PC7.	Reject
Policy 10A.2.2	014	71014	71014.03		Sowburn Water Co Ltd	Oppose	The Taieri Catchment (including Sowburn Creek) water permits are 80% processed using the existing plan rules and policies. It is recommended that these continue to be processed through the existing plan rules and policies and refuse all aspects of PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.2	016	71016	71016.03		Gavan James Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.2	017	71017	71017.03		Benjamin Patrick Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject

Policy 10A.2.2	018	71018	71018.03		Duncan Cleugh Farming Trust	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.2	022	71022	71022.03		Robert Bruce Allan, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.2	023	71023	71023.03		Gavan James Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.2	024	71024	71024.03		James Andrew Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.2	025	71025	71025.03		Catherine Mary Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.2	027	71027	71027.03		James Andrew Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.2	028	71028	71028.04		Robert James Stewart Rutherford	Oppose	If the whole PC7 is not withdrawn, remove the maximum term of 6 years, and reinstate the 35 year permit renewal.	Reject
Policy 10A.2.2	029	71029	71029.02		Cherri Global Limited	Oppose	Wishes to see the whole PC7 withdrawn. Don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.2	030	71030	71030.02		Colin and Joan Cardwell	Oppose	Wishes to see the whole of PC7 withdrawn. The short timeframe of just 6 years is unacceptable and a 30 year term would give more stability and enable them to plan for the future.	Reject
Policy 10A.2.2	031	71031	71031.04		Mt Barker Trust	Oppose	The six year limit is removed.	Reject
Policy 10A.2.2	032	71032	71032.03		Orchard Road Holdings Limited	Oppose	The six year limit is removed.	Reject
Policy 10A.2.2	035	71035	71035.01		William James and Jennifer Anne Scott	Oppose	Amend PC7 to renew water rights for a minimum of 35 years.	Reject
Policy 10A.2.2	037	71037	71037.03		Harold Kruse Davidson	Oppose	Wishes to see the whole of PC7 withdrawn. Should be a 25-35 year term minimum.	Reject
Policy 10A.2.2	040	71040	71040.03		Peter John and Glenda Elizabeth McGrath	Oppose	Wishes to see the whole of PC7 withdrawn and ORC should finalise their comprehensive review of the Regional Plan: Water first.	Reject
Policy 10A.2.2	042	71042	71042.02		Kingsmill Wines	Oppose	The existing allocations should be extended indefinitely until the new LWRP is prepared and approved.	Reject
Policy 10A.2.2	043	71043	71043.04		Pisa Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR amend existing policies and methods in the RPW, OR widthraw PC7 and replace with simple transitional objectives and policies implemented by a permitted activity rule and supporting methods.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.2	044	71044	71044.02		Christoffel Johannes De Jong	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
Policy 10A.2.2	045	71045	71045.03		William James Anthony Young and Carol Edith Young	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.2	051	71051	71051.02		Andrew James Wilkinson	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject

Policy 10A.2.2	054	71054	71054.02		Terra Sancta Limited	Oppose	Given the COVID- driven impacts, and regulatory restrictions and the massive financial pressures the submitter presently face as a consequence, they request that this process be pushed back at least a year.	Reject
Policy 10A.2.2	055	71055	71055.02		Amisfield LP	Oppose	As per the 3 options put forth by OWRUG	Reject
Policy 10A.2.2	056	71056	71056.02		Central Otago Winegrowers Association	Oppose	Given the COVID-driven impacts, and regulatory restrictions on many of our members' businesses, as well as financial pressures, we request a 12 month delay to the process.	Reject
Policy 10A.2.2	057	71057	71057.03		Alistair and Barbara Groundwater	Oppose	Wishes to see the whole of PC7 withdrawn. The Otago Reginal Council (ORC) can process water permit applications under the existing plan and does not need to establish an interim planning framework. A minimum consent length of 25yrs would be required to allow the Bank to provide development funding for the industry.	Reject
Policy 10A.2.2	058	71058	71058.02		Bradley and Kirsten McEwan	Oppose	Wishes to see the whole of PC7 withdrawn. A minimum consent length of 25yrs would be required to allow the Bank to provide development funding for the industry.	Reject
Policy 10A.2.2	061	71061	71061.02		Beggs Creek Station	Oppose	Wishes to see the whole of PC7 withdrawn, and water permit applications should be processed under the existing framework. A minimum consent length of 25 years would be required to allow the Bank to provide development funding for the industry.	Reject
Policy 10A.2.2	062	71062	71062.02		Thomas Matthew Moran and Jo Anne Elizabeth Moran	Oppose	The submitter wants to see the status quo remain until such a time as work is completed and minimum flows are established.	Reject
Policy 10A.2.2	063	71063	71063.03		Hamilton Dairy Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.2	064	71064	71064.02		Grape Vision Limited	Oppose	Alternative solutions, including the appointment of a government appointed commissioner to take control of the ORC and through proper planning and governance create an appropriate solution to the challenges presented by this process have not been properly considered and they should be. An interim extension of all permits to enable the necessary changes to occur at the ORC is an alternative that should be properly explored and would provide water users with the opportunity to contribute to achieving the objectives of efficient and effective water use.	Reject
Policy 10A.2.2	068	71068	71068.02		Dairy Farms Partnership	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject

Policy 10A.2.2	069	71069	71069.02		Molyneux Farm Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Clutha catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Policy 10A.2.2	071	71071	71071.03		Long Gully Water Race Society	Oppose	PC7 is unnecessary. The existing Otago Regional Council plan allows deemed permits to be replaced in a way that does not result in the unsustainable allocation of freshwater.	Reject
Policy 10A.2.2	074	71074	71074.03		Terry Cooke for TJ&J Cooke	Not stated	No specific decision sought.	Reject
Policy 10A.2.2	075	71075	71075.02		R.J. Morgan and Co	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is not withdrawn, the submitter seeks the urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Policy 10A.2.2	084	71084	71084.03		Maniototo West Side Irrigation Company Ltd	Oppose	Council to proceed with applications under the existing plan where minimum flows are in place and council to issue interim consents where there is no established minimum flow to allow the status quo until this has been remedied. This will mean using the best information available in a non-notified process and any documents and information used should be retained for use in subsequent longer term applications.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.2	089	71089	71089.02		CP and DE Mulholland	Oppose	Minimum of 15 years for permits.	Reject
Policy 10A.2.2	092	71092	71092.04		Lauder Water Users Group	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.2	111	71111	71111.01		Lake Hawea Station	Oppose	Amend Policy 10A.2.2 to read: 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. This policy shall not apply to applications for the take and use of water which were lodged prior to 17 March 2020.	Reject
				FS706	Horticulture New Zealand	Oppose in part		Accept in part
Policy 10A.2.2	112	71112	71112.02		Hawksburn Station	Oppose	Wishes to see the whole of PC7 withdrawn and process water permits under the current plan's rules and policies.	Reject
Policy 10A.2.2	113	71113	71113.03		Bannockburn Water Race Society Inc	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is not withdrawn, the submitter wishes a permitted activity be used to simply roll over permits without any changes until such time as ORC's LWRP becomes operative.	Reject
Policy 10A.2.2	115	71115	71115.03		Mt Pisa Station Holdings	Oppose	If PC7 is not withdrawn, the submitter seeks that the term be extended to at least 25 years.	Reject

Policy 10A.2.2	119	71119	71119.02		Pioneer Energy Limited	Oppose	Withdraw the whole of PC7 or amend PC7 to remove deemed permits relating to dams and associated infrastructure so that these permits can continue to have applications assessed under the current RWP framework and not PC7.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
				FS714	Aukaha Ltd	Oppose		Accept
Policy 10A.2.2	126	71126	71126.02		B J Graham trust no.1	Oppose	Wishes to see the whole of PC7 withdrawn and if that doesn't happen then the Strath Taieri should not be included in the Plan Change.	Reject
Policy 10A.2.2	131	71131	71131.05		Horticulture New Zealand	Oppose in Part	Amend as follows: 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~~ if a review condition is imposed to ensure the consent is reviewed once the Otago Land and Water Plan 2025 is operative.	Reject
				FS708	Ministry for the Environment	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Support in part		Reject
Policy 10A.2.2	133	71133	71133.04		Falls Dam Company Limited ("FDC")	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to remove deemed permits relating to dams and irrigation infrastructure so that these permits can continue to have applications assessed under the current RPW framework and not PC7.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
Policy 10A.2.2	134	71134	71134.04		Hortinvest Limited ("Hortinvest")	Oppose	Wishes to see the whole PC7 withdrawn. OR Amend as follows: a. Introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. b. Exclude new applications to take water from catchments (including connected groundwater) not fully allocated, i.e. the Clutha Catchment. These applications are best dealt with under the existing RPW Framework. c. Provide clarity around whether it is intended to apply to new applications or replacement applications or both.	Accept in part
Policy 10A.2.2	135	71135	71135.04		Lindis Peaks Farming Limited ("Lindis Peaks")	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/MataAu River should not be included as the Clutha/Mata-Au is not fully allocated.	Reject

Policy 10A.2.2	136	71136	71136.04		Lauder Creek Limited – Heckler Family	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.2	137	71137	71137.06		Omakau Area Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR undertake urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.2	138	71138	71138.03		Phada Industries Ltd	Oppose	Wishes to see the whole of PC7 withdrawn, OR amended to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Policy 10A.2.2	139	71139	71139.03		Terraces Irrigation Limited (“TIL”)	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/Mata-Au River should not be included as the Clutha/Mata-Au is not fully allocated. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.2	143	71143	71143.05		Trustpower Limited	Not stated	Amend as follows: 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 <u>for irrigation</u> for a duration of no more than six years.	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.2	149	71149	71149.18		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Amend Policies 10A.2.2 by deleting the word “new” in front of resource consent.	Accept
				FS705	Federated Farmers of New Zealand	Oppose		Reject
				FS714	Aukaha Ltd	Support		Accept

Policy 10A.2.2	149	71149	71149.19		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Amend Policy 10A.2.2 to read "Subject to Policy 10.2.3 and Irrespective of any other policies in the Plan..."	Accept in part
				FS714	Aukaha Ltd	Support		Accept in part
Policy 10A.2.2	151	71151	71151.06		Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively mana whenua)	Support	Retain as notified.	Accept in part
				FS715	Trustpower Limited	Oppose		Accept in part
				FS712	Public Health South	Support		Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Accept in part
Policy 10A.2.2	159	71159	71159.04		Landpro Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Policy 10A.2.2	163	71163	71163.03		Ida Valley Irrigation Company Limited	Oppose	To revoke in its entirety Plan Change 7 and to have water permit/consent applications heard and decided under the current planning documentation.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.2	168	71168	71168.03		Beef and Lamb New Zealand Ltd and Deer Industry New Zealand	Oppose	The submitters seek that the provision is amended as set out below: 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 nor more than ~~six~~ ten years.	Reject
Policy 10A.2.2	173	71173	71173.06		Clutha District Council and Waitaki District Council	Oppose	Amend to not apply to any Schedule 1B or 3B water take or any associated water supply take. Amend to remove reference to a "duration of consent of no more than six years", and alternatively replace with a specific "PC7 review clause" to apply by 31 December 2025 or thereafter, on any new water permit to address the relevant provisions of the new operative Land and Water Regional Plan.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support & oppose in part	No exemptions made for community water supply.	Accept
				FS712	Public Health South	Oppose		Accept
				FS708	Ministry for the Environment	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose in part		Accept in part
				FS703	Dunedin City Council	Support		Reject

				FS714	Aukaha Ltd	Oppose		Accept
Policy 10A.2.2	174	71174	71174.06		Te Ao Marama	Support	Retain the overall intent of Policy 10A.2.2 and ensure that there is a strong policy leaning towards six year resource consent durations for water permits that captures the majority of applications for water permits so that ngā Rūnanga rights, interests and values are able to be appropriately identified and reflected in longer term freshwater management decisions in accordance with national direction	Accept
				FS715	Trustpower Limited	Oppose		Reject
				FS712	Public Health South	Support		Accept
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support		Accept
				FS706	Horticulture New Zealand	Oppose in part		Reject
				FS714	Aukaha Ltd	Support		Accept
Policy 10A.2.2	177	71177	71177.04		Federated Farmers of New Zealand - Otago and North Otago Provinces	Oppose	Delete this policy as drafted. Concerns can be met through the imposition of a specific 'review clause' to apply by 31 December 2025 or thereafter, on any new water permit to address the relevant provisions of the new operative Land and Water Regional Plan.	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose		Accept
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.2	181	71181	71181.02		Arrow Irrigation Company Ltd	Oppose	The decision maker should reject PC7 in its entirety.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.2	182	71182	71182.02		Strath Taieri Irrigation Company	Oppose	STIC want the Plan Change to be declined. PC7 will undermine and stall any environmental and economic gains or opportunities for the Upper and Strath Taieri regions for at least the next decade. If PC7 is not declined, then the Upper Taieri should not be included in the Plan Change.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.2	183	71183	71183.02		Aaron Carey	Not stated	Make non consumptive activities like suction dredging as a permitted or controlled activity and increase the consent for these takes longer than 6 years ie 10 to 15 years	Reject
Policy 10A.2.2	188	71188	71188.02		Andrew Ritchie	Oppose	Wishes to see ORC scrap PC7 and return to assessing individual or group resource water consents on merit, in a time frame that is more in line with the resources they have available, at very least take option C to allow some longer term certainty for our primary producers. The consultants are doing an excellent job providing the ORC with all the information they require to make reasonable decisions regarding renewal/extension of water permits. If the ORC is unable to achieve this, then outsource the consenting process to expert consultants who can.	Reject

Policy 10A.2.2	189	71189	71189.02		Anna Tyrrell	Oppose	Remove the 6 year limit on replacement permits in favour of a longer term, or rollover existing permits as they stand to 31/12/2025 and reassess under the new Regional Land & Water Plan once that is operational.	Reject
Policy 10A.2.2	193	71193	71193.02		Benjamin Harding Oliver Keenan	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.2	195	71195	71195.02		Bligh Vergeer	Not stated	Specifically exclude suction dredge mining from 6 year consent length limit.	Reject
Policy 10A.2.2	196	71196	71196.02		Airdrie	Oppose	Remove in its entirety	Reject
Policy 10A.2.2	230	71230	71230.04		Davison Agriculture Ltd	Not stated	That PC7 is declined in its entirety; or That PC7 is declined in its entirety and amendments are made to existing policies and methods in the RPW That PC7 is declined in its entirety and replaced with i. Simple transitional objectives and policies; ii. Implemented by a permitted activity rule; and iii. Supporting methods	Reject
Policy 10A.2.2	232	71232	71232.02		Linnburn Station Ltd	Not stated	Extend permit terms from 6 years, change date ranges and approaches to analysing data out to 30 June 2020 if the data is available	Accept in part
Policy 10A.2.2	233	71233	71233.02		Peter Gerald McLeod	Not stated	Amend Policy 10A.2.2 to allow renewal terms of up to 35 years as a complying activity	Reject
Policy 10A.2.2	252	71252	71252.01		Tony Sewhoy	Oppose	Add the following text: 'except for non-consumptive takes which may have a longer duration'	Reject
				FS714	Aukaha Ltd	Oppose		Accept
Policy 10A.2.2	256	71256	71256.03		Jeremy Kenneth Walton	Support	Supports the ORC doing Plan Change 7 now	Accept
Policy 10A.2.3		70027	70027.03		Loretta and Andrew Bush	Support	Remove, or definition should be added as to what constitutes a no more than minor adverse effect, including in the cumulative sense, in the context of water abstraction	Accept in part

Policy 10A.2.3		70034	70034.01		Ministry for the Environment	Oppose	Amend Policy 10A.2.3 as shown to remove the non-complying activity exemption: 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: (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 (b) The resource consent granted will expire before 31 December 2035~~.	Accept
				FS703	Dunedin City Council	Oppose		Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Accept
				FS711	Otago Water Rights User Group	Oppose		Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support		Accept
				FS709	Ngai Tahu ki Murihiku	Support		Accept
				FS707	Landpro Limited	Oppose		Reject
				FS706	Horticulture New Zealand	Oppose		Reject
				FS705	Federated Farmers of New Zealand	Oppose		Reject
				FS704	Falls Dam Company Limited ("FDC")	Oppose		Reject
				FS701	DairyNZ Ltd	Oppose		Reject

Policy 10A.2.3		70036	70036.04		Aotearoa New Zealand Fine Wine Estates Limited Partnership	Oppose	Amend as shown: 10A.2.3: 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~~ that expire prior to 31 December 2025~~, for a duration of no more than six years,~~ except where Rule 10A.3.2.1 applies and: (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 (b) ~~The resource consent granted will expire before 31 December 2035.~~ A review condition be imposed to ensure the consent is reviewed once the new Otago Land and Water Regional Plan 2025 has been made operative.	Reject
Policy 10A.2.3		70040	70040.02		Balquhidder Farming Ltd	Oppose	Decline the plan change	Reject
Policy 10A.2.3		70045	70045.05		Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part	Amend the provisions to make it prohibited to apply for a consent that breaches 10A.3.1.1 (i), (iv) or (vi), for consents captured by 10A.3.1.1(a) and (b). Amend the provisions to make all applications for new surface water (including connected groundwater) abstraction activities noncomplying (specific changes not indicated).	Reject
				FS711	Otago Water Rights User Group	Oppose		Accept
				FS715	Trustpower Limited	Oppose		Accept
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
				FS709	Ngai Tahu ki Murihiku	Support in part		Reject
				FS707	Landpro Limited	Oppose		Accept
				FS706	Horticulture New Zealand	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS703	Dunedin City Council	Oppose		Accept
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.3		70045	70045.09		Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part	Amend Policy 10A.2.3 to achieve - Clarity about how the policies are to be read alongside other policies within the plan and within chapter 10A. Redraft of Policies 10A.2.1 – 10A.2.3 to clarify, replace or remove the word “new” in relation to a resource consent.	Accept in part
				FS711	Otago Water Rights User Group	Oppose		Accept in part
				FS715	Trustpower Limited	Oppose		Accept in part

				FS709	Ngai Tahu ki Murihiku	Support in part		Accept in part
				FS708	Ministry for the Environment	Support		Accept in part
				FS705	Federated Farmers of New Zealand	Oppose		Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
Policy 10A.2.3		70046	70046.02		Cardrona Alpine Resort Ltd	Oppose	Amend as shown: The activity is related to domestic, communal or commercial water users or water taken for snow making purposes and will have no more than minor adverse effects …	Reject
				FS706	Horticulture New Zealand	Oppose in part		Accept
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.3		70047	70047.06		Otago Province Federated Farmers of New Zealand	Oppose	Delete this policy	Reject
				FS712	Public Health South	Oppose		Accept
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
Policy 10A.2.3		70048	70048.04		Queenstown Lakes District Council	Support in part	Amend as shown: Except in relation to community water supplies, and irrespective of any other policies in this Plan concerning consent duration, only grant …	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Not stated		Reject
				FS703	Dunedin City Council	Support		Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS714	Aukaha Ltd	Oppose		Accept
Policy 10A.2.3		70052	70052.10		Wise Response Society Inc	Oppose	Review all resource consents granted under this plan change as soon as possible after the Land and Water Plan is finalised.	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
Policy 10A.2.3	003	71003	71003.03		Darryl Sycamore	Oppose	Adopt a sensible term of consent for non-consumptive takes such as suction gold dredging rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment.	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.3	008	71008	71008.03		Marian Elizabeth Weaver	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.3	009	71009	71009.02		Heaney Road Partnership Ltd	Oppose	Wishes to see the whole of PC7 withdrawn and to allow all water permits to be processed under the current Water Plan policies and rules.	Reject

Policy 10A.2.3	010	71010	71010.02		John Patrick and Christine Eleanor Symons	Oppose	Change the term of 6 years to 20 years.	Reject
Policy 10A.2.3	012	71012	71012.02		Donald Young	Oppose	Wishes to see the whole of PC7 withdrawn. If it can't be withdrawn it must be amended so that permits can be replaced under the existing water plan rules and policies.	Reject
Policy 10A.2.3	013	71013	71013.03		Lone Star Farms Ltd	Oppose	It is recommended to the Council or the Environment Court to process all Strath Taieri permits through the existing plan rules and policies and refuse all aspects of PC7.	Reject
Policy 10A.2.3	014	71014	71014.04		Sowburn Water Co Ltd	Oppose	The Taieri Catchment (including Sowburn Creek) water permits are 80% processed using the existing plan rules and policies. It is recommended that these continue to be processed through the existing plan rules and policies and refuse all aspects of PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.3	015	71015	71015.02		Last Chance Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to introduce a simple permitted activity rule that enables current permits to be exercised until the new Land and Water Plan is operative.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.3	016	71016	71016.04		Gavan James Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.3	017	71017	71017.04		Benjamin Patrick Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.3	018	71018	71018.04		Duncan Cleugh Farming Trust	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.3	021	71021	71021.02		Omakau Auto Centre	Oppose	Wishes to see the whole of PC7 withdrawn. Let the status quo stand.	Reject
Policy 10A.2.3	022	71022	71022.04		Robert Bruce Allan, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.3	023	71023	71023.04		Gavan James Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.3	024	71024	71024.04		James Andrew Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.3	025	71025	71025.04		Catherine Mary Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.3	027	71027	71027.04		James Andrew Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.3	028	71028	71028.05		Robert James Stewart Rutherford	Oppose	If the whole PC7 is not withdrawn, remove the maximum term of 6 years, and reinstate the 35 year permit renewal.	Reject
Policy 10A.2.3	029	71029	71029.03		Cherri Global Limited	Oppose	Wishes to see the whole PC7 withdrawn. Don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.3	030	71030	71030.03		Colin and Joan Cardwell	Oppose	Wishes to see the whole of PC7 withdrawn. The short timeframe of just 6 years is unacceptable and a 30 year term would give more stability and enable them to plan for the future.	Reject

Policy 10A.2.3	031	71031	71031.05		Mt Barker Trust	Oppose	The six year limit is removed.	Reject
Policy 10A.2.3	032	71032	71032.04		Orchard Road Holdings Limited	Oppose	The six year limit is removed.	Reject
Policy 10A.2.3	035	71035	71035.02		William James and Jennifer Anne Scott	Oppose	Amend PC7 to renew water rights for a minimum of 35 years.	Reject
Policy 10A.2.3	036	71036	71036.04		MD and DG Jones Family Trust	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
Policy 10A.2.3	037	71037	71037.04		Harold Kruse Davidson	Oppose	Wishes to see the whole of PC7 withdrawn. Should be a 25-35 year term minimum.	Reject
Policy 10A.2.3	042	71042	71042.03		Kingsmill Wines	Oppose	The existing allocations should be extended indefinitely until the new LWRP is prepared and approved.	Reject
Policy 10A.2.3	044	71044	71044.03		Christoffel Johannes De Jong	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
Policy 10A.2.3	049	71049	71049.02		John Chambers	Oppose	For all existing water permits to roll over to 2025 and are then renewed under the new Regional Land and Water Plan (LWRP).	Reject
Policy 10A.2.3	050	71050	71050.02		Kawarau Station Limited	Oppose	Wishes PC7 be removed from Council and for the current plan to be used to process any further water permit applications.	Reject
Policy 10A.2.3	051	71051	71051.03		Andrew James Wilkinson	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.3	053	71053	71053.02		MFS Ventures Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Kakanui and Waianakarua catchments be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Policy 10A.2.3	054	71054	71054.03		Terra Sancta Limited	Oppose	Given the COVID- driven impacts, and regulatory restrictions and the massive financial pressures the submitter presently face as a consequence, they request that this process be pushed back at least a year.	Reject
Policy 10A.2.3	055	71055	71055.03		Amisfield LP	Oppose	As per the 3 options put forth by OWRUG	Reject
Policy 10A.2.3	056	71056	71056.03		Central Otago Winegrowers Association	Oppose	Given the COVID-driven impacts, and regulatory restrictions on many of our members' businesses, as well as financial pressures, we request a 12 month delay to the process.	Reject
Policy 10A.2.3	057	71057	71057.04		Alistair and Barbara Groundwater	Oppose	Wishes to see the whole of PC7 withdrawn. The Otago Reginal Council (ORC) can process water permit applications under the existing plan and does not need to establish an interim planning framework. A minimum consent length of 25yrs would be required to allow the Bank to provide development funding for the industry.	Reject
Policy 10A.2.3	058	71058	71058.03		Bradley and Kirsten McEwan	Oppose	Wishes to see the whole of PC7 withdrawn. A minimum consent length of 25yrs would be required to allow the Bank to provide development funding for the industry.	Reject

Policy 10A.2.3	061	71061	71061.03		Beggs Creek Station	Oppose	Wishes to see the whole of PC7 withdrawn, and water permit applications should be processed under the existing framework. A minimum consent length of 25 years would be required to allow the Bank to provide development funding for the industry.	Reject
Policy 10A.2.3	062	71062	71062.03		Thomas Matthew Moran and Jo Anne Elizabeth Moran	Oppose	The submitter wants to see the status quo remain until such a time as work is completed and minimum flows are established.	Reject
Policy 10A.2.3	063	71063	71063.04		Hamilton Dairy Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Policy 10A.2.3	064	71064	71064.03		Grape Vision Limited	Oppose	Alternative solutions, including the appointment of a government appointed commissioner to take control of the ORC and through proper planning and governance create an appropriate solution to the challenges presented by this process have not been properly considered and they should be. An interim extension of all permits to enable the necessary changes to occur at the ORC is an alternative that should be properly explored and would provide water users with the opportunity to contribute to achieving the objectives of efficient and effective water use.	Reject
Policy 10A.2.3	065	71065	71065.02		Concept Farms Limited	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Policy 10A.2.3	068	71068	71068.03		Dairy Farms Partnership	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Policy 10A.2.3	069	71069	71069.03		Molyneux Farm Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Clutha catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Policy 10A.2.3	070	71070	71070.02		Maniototo Irrigation Company	Oppose	The Maniototo Irrigation Company (MIC) oppose all of Plan Change 7. MIC want the Plan Change to be removed and the remaining water permits that expire before the reviewed Regional Plan Water for Otago (RPW or Water Plan) is operative processed under the current Water Plan. If the whole of PC7 is not withdrawn, then the Upper Taieri Catchment should be excluded from PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.3	073	71073	71073.02		Banarach Farm Limited	Oppose	Delete this policy.	Reject

Policy 10A.2.3	073	71073	71073.03		Banarach Farm Limited	Oppose	Amend Policy 10A.2.3 to read: The setting and attainment of catchment specific water quantity outcomes and limits is enabled through: a. limiting the duration of any resource consent granted under this Plan to a period not exceeding six years past the expected notification date of the plan change to the Regional Water Plan that will introduce new water quantity provisions; but b. allowing, where appropriate, a longer resource consent duration for provided those permits include enable a review of the consent under section 128(1) of the RMA.	Reject
Policy 10A.2.3	074	71074	71074.04		Terry Cooke for TJ&J Cooke	Not stated	No specific decision sought.	Reject
Policy 10A.2.3	075	71075	71075.03		R.J. Morgan and Co	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is not withdrawn, the submitter seeks the urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Policy 10A.2.3	076	71076	71076.02		Prospect Farm	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.3	077	71077	71077.02		Michelle and Stephen Holland	Oppose	PC7 should not apply in the Strath Taieri, permits can continue to be issued under the current plan.	Reject
Policy 10A.2.3	079	71079	71079.03		En Hakkore Partnership	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.3	080	71080	71080.02		Kakanui Water Allocation Committee	Oppose	Oppose the inclusion of water permits which expire prior to 31 December 2025, and a continuance/ rollover be granted to these consents to allow them to be dealt with under the new Otago Land and Water Plan.	Reject
Policy 10A.2.3	081	71081	71081.02		JIT Hillend Investments Ltd	Oppose	Opposes the entire PC7, seeks that council processes replacement deemed permits under the current operative water plan (with amendments if necessary). ORC need to amend (if necessary) the current operative water plan to allow for replacement of deemed permits to be issued for a full 35 year term.	Reject
Policy 10A.2.3	082	71082	71082.03		GlenAyr Ltd	Oppose	Every case should be on its own merits. Those applicants such as ourselves who are prepared to present a comprehensive application that improves the status quo at considerable capital expense should be rewarded with certainty of tenure to enable financing. PC7 should be amended to recognise water sharing and catchment groups. There should not be a requirement to not increase the area irrigated as water users should benefit from using best practice and technology to make their water go further. Proposed water use and application method should be considered in tandem with historic water use.	Reject

Policy 10A.2.3	084	71084	71084.04		Maniototo West Side Irrigation Company Ltd	Oppose	Council to proceed with applications under the existing plan where minimum flows are in place and council to issue interim consents where there is no established minimum flow to allow the status quo until this has been remedied. This will mean using the best information available in a non-notified process and any documents and information used should be retained for use in subsequent longer term applications.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.3	085	71085	71085.03		Robin Dicey	Oppose	PC7 is unnecessary. The existing Otago Regional Council plan allows deemed permits to be replaced in a way that does not result in the unsustainable allocation of freshwater.	Reject
Policy 10A.2.3	087	71087	71087.02		Job and Jane Withers, Cardrona water users group incorporated	Oppose	Council should process replacement deemed permits under the current operative water plan (with amendments if necessary) for a full 35 year term.	Reject
Policy 10A.2.3	088	71088	71088.02		MP3 Limited	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.3	090	71090	71090.02		Tim O'Sullivan	Oppose	From a regulatory point of the view the same outcome can be achieved by adding/amending conditions within the consent to ensure efficient use and also you need to accept that a consent can be revoked at any so why is there the need to slap a 6 year expiry on it also.	Reject
Policy 10A.2.3	093	71093	71093.02		John Armstrong Partnership	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.3	094	71094	71094.02		Manuherikia Irrigation Co-operative Society Limited ("MICSL")	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.3	096	71096	71096.01		Craig Gordon Webster	Oppose	Not stated.	Reject
Policy 10A.2.3	098	71098	71098.02		Derek and Margaret Jones	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is not withdrawn, submitter seeks the urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessment. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Policy 10A.2.3	099	71099	71099.03		Two Farmers Farming Ltd	Oppose	If PC7 is not withdrawn, submitter seeks the urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessment. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Policy 10A.2.3	100	71100	71100.03		DB & JWS Kinney Trust	Oppose	Wishes to see the whole of PC7 withdrawn and process further deemed permits and other water permit applications under the current Plan until the LWRP becomes operative.	Reject

Policy 10A.2.3	102	71102	71102.02		Strath Clyde Water Limited	Oppose	Not stated.	Reject
Policy 10A.2.3	107	71107	71107.03		Coal Creek Water Users Group	Oppose	Abandon Plan Change 7, continue with the current water plan that we consider "fit for purpose". OR Amend the RMA to extend the October 2021 deadline to 2025 that will co-incide with the national water strategy. By then ORC should have themselves organised with the new NPS based water plan. This would not be a waste of parliamentary time compared to the wasted time and effort by irrigators and ORC.	Reject
Policy 10A.2.3	108	71108	71108.02		Hopehill Farm	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.3	110	71110	71110.02		Hamilton Runs Limited	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Policy 10A.2.3	115	71115	71115.04		Mt Pisa Station Holdings	Oppose	If PC7 is not withdrawn, the submitter seeks that the term be extended to at least 25 years.	Reject
Policy 10A.2.3	116	71116	71116.03		Carrick Irrigation Co Ltd	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process the permits under the current plan. If the whole PC7 is not withdrawn, then the submitter wishes that a permitted activity rule is established that enables the permits to roll over as is without any change.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.3	117	71117	71117.02		Appin Farms Ltd	Oppose	Wishes to see the whole of PC7 withdrawn and develop a river relevant plan specific to individual rivers and the users needs. A far more practical and equitable approach would be to assess all catchments and look at their current and individual characteristics i.e. minimal flow criteria in place, river health etc.	Reject
Policy 10A.2.3	119	71119	71119.03		Pioneer Energy Limited	Oppose	Withdraw the whole of PC7 or amend PC7 to remove deemed permits relating to dams and associated infrastructure so that these permits can continue to have applications assessed under the current RWP framework and not PC7.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
				FS714	Aukaha Ltd	Oppose		Accept
Policy 10A.2.3	121	71121	71121.02		Mount Dunstan Estates Ltd	Oppose	Not stated.	Reject
Policy 10A.2.3	122	71122	71122.02		Enfield Limited	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative.	Reject
Policy 10A.2.3	128	71128	71128.02		Kye Farming Ltd	Oppose	Wishes to see the whole of PC7 withdrawn or undertake urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7	Reject

Policy 10A.2.3	129	71129	71129.04		Pisa Holdings Limited, Rockburn Wines Limited, Mark II Limited, Chard Farm Trustees Limited, Albany Heights Limited, Stuart Douglas Hawker & Phillippa Mary Hawker (Shareholders in Deemed Permit 95789)	Oppose	Wishes to see the whole of PC7 withdrawn OR Amend PC7 as follows: 1. Provide for existing activities to continue as permitted activities on the same terms and conditions as they are currently issued, including current statutory entitlements, until the new Land and Water Plan is operative. As an alternative, provide for such activities to be re-consented as controlled activities on the same terms and conditions, including statutory entitlements, until the Land and Water Plan is operative; 2. Amend the objective and policies so they do not apply to applications lodged before PC7 was notified; 3. Amend PC7 to recognize the relevance and importance of water abstraction and use for social, cultural and economic reasons; 7. Allow consent duration to be considered on its own merits in each case; 8. Amend to improve drafting and clarify relationships between provisions; 9. Make all such other changes and grant such other, further and alternative relief necessary to give effect to the reasons for this submission.	Accept in part
Policy 10A.2.3	130	71130	71130.02		Manuherikia Catchment Group	Oppose	Wishes to see the whole of PC7 withdrawn. We seek the urgent but robust completion of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Policy 10A.2.3	131	71131	71131.06		Horticulture New Zealand	Oppose in Part	Amend as follows: 10A.2.3 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~~ that expire prior to 31 December 2025, ~~for a duration of no more than six years,~~ except where Rule 10A.3.2.1 applies and: (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 (b) ~~The resource consent granted will expire before 31 December 2035.~~ A review condition be imposed to ensure the consent is reviewed once the new Otago Land and Water Regional Plan 2025 has been made operative.	Reject
				FS715	Trustpower Limited	Oppose		Accept

				FS708	Ministry for the Environment	Oppose		Accept
Policy 10A.2.3	132	71132	71132.02		Wataieri Holdings Limited	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative.	Reject
Policy 10A.2.3	133	71133	71133.05		Falls Dam Company Limited ("FDC")	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to remove deemed permits relating to dams and irrigation infrastructure so that these permits can continue to have applications assessed under the current RPW framework and not PC7.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
Policy 10A.2.3	134	71134	71134.05		Hortinvest Limited ("Hortinvest")	Oppose	Wishes to see the whole PC7 withdrawn. OR Amend as follows: a. Introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. b. Exclude new applications to take water from catchments (including connected groundwater) not fully allocated, i.e. the Clutha Catchment. These applications are best dealt with under the existing RPW Framework. c. Provide clarity around whether it is intended to apply to new applications or replacement applications or both.	Accept in part
Policy 10A.2.3	135	71135	71135.05		Lindis Peaks Farming Limited ("Lindis Peaks")	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/MataAu River should not be included as the Clutha/Mata-Au is not fully allocated.	Reject
Policy 10A.2.3	137	71137	71137.07		Omakau Area Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR undertake urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
				FS712	Public Health South	Oppose		Accept

Policy 10A.2.3	139	71139	71139.04		Terraces Irrigation Limited ("TIL")	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/Mata-Au River should not be included as the Clutha/Mata-Au is not fully allocated. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.3	140	71140	71140.02		Mount Earnslaw Station	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Policy 10A.2.3	141	71141	71141.02		Littlebrook Farm Limited	Not stated	ORC needs to reject the proposed change and continue with the process as is and if the timeline cannot be achieved then existing rights prevail until such time the existing process is concluded, which is how most, if not all Resource Consents operate.	Reject
Policy 10A.2.3	142	71142	71142.02		Earl and Bernadine Attfield on behalf of The Waikerikeri Creek all water users group	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Policy 10A.2.3	143	71143	71143.06		Trustpower Limited	Not stated	Amend to read: 10A.2.3 Enable new 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, for regionally significant infrastructure or hydro-electricity generation.	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose	-	Accept
				FS706	Horticulture New Zealand	Oppose	-	Accept
				FS705	Federated Farmers of New Zealand	Oppose	-	Accept
				FS714	Aukaha Ltd	Support in part	-	Reject

Policy 10A.2.3	143	71143	71143.07		Trustpower Limited	Not stated	Amend, and renumber as follows: 10A.2.~~3~~4 ~~Irrespective of any other policies in this Plan concerning consent duration, only grant~~ Avoid granting any 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) for the purpose of irrigation, 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: (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 (b) The resource consent granted will expire before 31 December 2035.	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.3	145	71145	71145.03		Knapdale Farms Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Policy 10A.2.3	146	71146	71146.02		Queensbury Ridges Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Policy 10A.2.3	147	71147	71147.02		Barley Station (Glencoe) Trust	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject

Policy 10A.2.3	148	71148	71148.02		Ian Bathgate	Oppose	Wishes to see the Plan Change to be declined and removed. PC7 will undermine and stall any environmental and economic gains or opportunities for the Upper and Strath Taieri regions for at least the next decade.	Reject
Policy 10A.2.3	149	71149	71149.20		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Amend Policies 10A.2.3 by deleting the word "new" in front of resource consent.	Accept
				FS715	Trustpower Limited	Oppose		Reject
				FS705	Federated Farmers of New Zealand	Oppose		Reject
Policy 10A.2.3	150	71150	71150.02		Christopher McNally & Vanessa Jane May	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Policy 10A.2.3	151	71151	71151.07		Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively mana whenua)	Support	Retain as notified.	Accept in part
				FS715	Trustpower Limited	Oppose		Accept in part
				FS712	Public Health South	Support		Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Accept in part
Policy 10A.2.3	153	71153	71153.02		Christopher James Duncan	Oppose	Seeks the rejection of PC7 entirely. Seeks the completion of the limit setting plan change for the Manuherikia catchment, including both the minimum flows and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact of assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Policy 10A.2.3	154	71154	71154.02		Avonrath Ltd (Farm)	Not stated	Status quo is the only option for our area. PC 7 should be abolished.	Reject
Policy 10A.2.3	155	71155	71155.03		Isabella May Anderson	Oppose	The ORC should remove PC7 completely. If the plan is not removed entirely then the submitter would support the options outlined in OWRUG submission to amend the current framework for permit renewal.	Reject

Policy 10A.2.3	156	71156	71156.02		R W Naylor	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Policy 10A.2.3	157	71157	71157.02		Kyeburn Catchment Ltd	Not stated	The ORC needs to provide reliable and accurate science to justify the policies they have chosen to promote.	Reject
Policy 10A.2.3	158	71158	71158.02		Trade as A W & K L Glassford	Oppose	Wishes to see PC7 removed completely.	Reject
Policy 10A.2.3	159	71159	71159.05		Landpro Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Policy 10A.2.3	160	71160	71160.02		Chard Farm Limited	Oppose	Given the COVID-19 driven impacts, and regulatory restrictions on many of our members' businesses, as well as financial pressures, we request a 12 month delay to the process.	Reject
Policy 10A.2.3	166	71166	71166.02		Rothesay Downs	Oppose	Wishes to see the whole PC7 withdrawn.	Reject
Policy 10A.2.3	168	71168	71168.04		Beef and Lamb New Zealand Ltd and Deer Industry New Zealand	Oppose in Part	The submitters seek that the provision is amended as set out below: 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 nor more than ~~six~~ ten years, ~~except where Rule 10A.3.2.1 applies~~ and: (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 (b) The resource consent granted will expire before 31 December 2035.	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS708	Ministry for the Environment	Oppose		Accept
				FS706	Horticulture New Zealand	Oppose in Part		Accept in part
Policy 10A.2.3	169	71169	71169.03		Closeburn Station	Oppose	In catchments where minimum flows settings are in place (Taieri) applications for renewal of permits should continue under the existing plan. In catchments where	Reject

							minimum flows have yet to be set, status quo maintained while this work is completed.	
Policy 10A.2.3	170	71170	71170.03		McArthur Ridge Vineyard Ltd	Oppose	Resort to principles and policies proposed.	Reject
Policy 10A.2.3	173	71173	71173.07		Clutha District Council and Waitaki District Council	Oppose	Amend to not apply to any Schedule 1B or 3B water take or any associated water supply take and remove reference to "duration of consent of no more than six years", and alternatively replace with a specific “PC7 review clause” to apply by 31 December 2025 or thereafter, on any replacement water permit to address the relevant provisions of the new operative Land and Water Regional Plan. Note that all replaced deemed permits will become water permits.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support & oppose in part	No exemptions made for community water supply.	Accept
				FS712	Public Health South	Oppose		Accept
				FS708	Ministry for the Environment	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose in Part		Accept in part
				FS703	Dunedin City Council	Support		Reject
				FS714	Aukaha Ltd	Oppose		Accept
Policy 10A.2.3	174	71174	71174.07		Te Ao Marama	Support	Ensure that the wording and intent of Policy 10A.2.3, in combination with other objectives and policies applicable to the transitionary period, is consistent with Ministerial direction and national direction for freshwater management, including timeframes for implementing this national direction, and does not result in any potential increase in adverse effects on waterbodies during the transitionary period.	Accept
				FS715	Trustpower Limited	Oppose		Reject
				FS712	Public Health South	Support		Accept
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support		Accept
				FS702	Director General of Conservation	Support		Accept
				FS714	Aukaha Ltd	Support		Accept
Policy 10A.2.3	175	71175	71175.02		Hamish Stratford	Oppose	Wishes to see the whole PC7 removed completely.	Reject
Policy 10A.2.3	176	71176	71176.02		Galloway Irrigation Society Incorporated	Oppose	Relief Sought: a. We seek that PC7 is declined in its entirety. b. We seek the continuation of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments.	Reject

Policy 10A.2.3	177	71177	71177.05		Federated Farmers of New Zealand - Otago and North Otago Provinces	Oppose	Delete this policy as drafted.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.3	179	71179	71179.02		Aotearoa New Zealand Fine Wine Estates Limited Partnership	Oppose	Seeks that PC7 is declined in its entirety.	Reject
Policy 10A.2.3	180	71180	71180.06		Director General of Conservation	Support in part	Support Policy 10A.2.3, but add more criteria to give better direction for future consent decision-making, including, but not limited to new paragraphs (d), (e), (f), (g), (h) and (i): *(d) Where a fit for purpose in-stream survey has been undertaken to identify the instream values and their significance in the water body downstream of the proposed take(s); and* *(e) Where an appropriate series of hydrological gaugings in various flow conditions and a visual inspection has been undertaken to capture fit for purpose information on flow gaining, losing, or critical reaches; and the consequential effects on aquatic ecosystems and natural character; and* *(f) Where all remaining deemed permits and resource consents that expire prior to 31 December 2025 to take water in that particular catchment are included in the application; and* *(g) Where all deemed permit and resource consent holders included in (f) above in that particular catchment have agreed to form either a Water Management Committee or Water Management Group under Policies 6.4.12 or 6.4.12A to share the available water at times flow restriction; and* *(h) Where an appropriate minimum flow has been established for that catchment in Schedule 2A; and* *(i) Where sufficient hydrological information can establish that the values protected by all residual flows established under Policy 6.4.7 in that catchment can be sustained and managed by a flow relationship to a Schedule 2A minimum flow; and*	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Reject
				FS709	Ngai Tahu ki Murihiku	Support in part		Reject
				FS708	Ministry for the Environment	Support		Reject
				FS707	Landpro Limited	Oppose		Accept
				FS706	Horticulture New Zealand	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept

				FS714	Aukaha Ltd	Support		Reject
Policy 10A.2.3	181	71181	71181.03		Arrow Irrigation Company Ltd	Oppose	The decision maker should reject PC7 in its entirety.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.3	183	71183	71183.03		Aaron Carey	Not stated	Make non consumptive activities like suction dredging as a permitted or controlled activity and increase the consent for these takes longer than 6 years ie 10 to 15 years	Reject
Policy 10A.2.3	184	71184	71184.02		Cardrona Distillery Ltd	Oppose	Submitter seeks that PC7 is declined entirely.	Reject
Policy 10A.2.3	185	71185	71185.04		Tinwald Farm Holdings Limited	Oppose	Decline PC7 in its entirety. OR Decline PC7 in its entirety and amend existing policies and methods in the Regional Plan: Water for Otago. OR Decline PC7 in its entirety and replaced with simple transitional objectives and policies, implemented by a permitted activity rule, and Supporting methods (see submission for explanation of each of these methods)	Reject
Policy 10A.2.3	186	71186	71186.02		Excel Farming Ltd	Oppose	Wishes that the entire PC7 be declined.	Reject
Policy 10A.2.3	187	71187	71187.02		Matakanui Station Ltd	Oppose	Decline PC7 entirely; and Complete the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit based on good hydrology ecology information, analysis of reliability of supply, and full cultural, economic and social impact assessments; and Amend PC7 to provide for long term consents of 25 years plus.	Reject
Policy 10A.2.3	188	71188	71188.03		Andrew Ritchie	Oppose	Wishes to see ORC scrap PC7 and return to assessing individual or group resource water consents on merit, in a time frame that is more in line with the resources they have available, at very least take option C to allow some longer term certainty for our primary producers. The consultants are doing an excellent job providing the ORC with all the information they require to make reasonable decisions regarding renewal/extension of water permits. If the ORC is unable to achieve this, then outsource the consenting process to expert consultants who can.	Reject
Policy 10A.2.3	189	71189	71189.03		Anna Tyrrell	Oppose	Remove the 6 year limit on replacement permits in favour of a longer term, or rollover existing permits as they stand to 31/12/2025 and reassess under the new Regional Land & Water Plan once that is operational.	Reject
Policy 10A.2.3	191	71191	71191.02		Run 505	Oppose	Decline PC7.	Reject
Policy 10A.2.3	192	71192	71192.02		Millbrook Country Club Limited	Oppose	Decline PC7.	Reject
Policy 10A.2.3	193	71193	71193.03		Benjamin Harding Oliver Keenan	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment	Reject
				FS714	Aukaha Ltd	Support in part		Reject

Policy 10A.2.3	195	71195	71195.03		Bligh Vergeer	Not stated	Specifically exclude suction dredge mining from 6 year consent length limit.	Reject
Policy 10A.2.3	197	71197	71197.02		Chris Dignan	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.3	198	71198	71198.02		Chris Pritchard	Not stated	Make non consumptive activities like suction dredging as a permitted or controlled activity and increase the consent for these takes longer than 6 years ie 10 years	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.3	199	71199	71199.03		Hiburn Farm and Coburn Partnership	Oppose	Decline PC7	Reject
Policy 10A.2.3	201	71201	71201.02		Michael Laws	Oppose	To provide a plan change that properly reflects the recommendations of the Skelton Report, is based upon scientific and hydrology studies, takes cognisance of the socio-economic circumstances of the catchments and districts affected, and provides for long-term consents of 25 years-plus.	Reject
Policy 10A.2.3	203	71203	71203.01		Challenge Farm Trusts Partnership	Oppose	That consents are issued for a minimum of 20 years to reflect the investment in infrastructure.	Reject
Policy 10A.2.3	205	71205	71205.02		Paydirt	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment.	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.3	206	71206	71206.02		Locharburn Grazing Company	Oppose	Decline PC7	Reject
Policy 10A.2.3	207	71207	71207.02		Geoffrey Raymond Dickie and Carol Maree Keen	Oppose	Decline PC7	Reject
Policy 10A.2.3	208	71208	71208.02		Almondell Farms Ltd	Oppose	Decline PC7	Reject
Policy 10A.2.3	210	71210	71210.02		Glen Shaw	Not stated	Make non consumptive activities like suction dredging as a permitted or controlled activity and increase the consent for these takes longer than 6 years ie 10 years	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.3	211	71211	71211.02		Kyeburn Catchment Ltd	Oppose	I would like to see plan change 7 changed considerably before it is implemented.	Reject

Policy 10A.2.3	213	71213	71213.02		Ian and Wendy Ritchie	Oppose	We want the considerable expense we've incurred preparing an application for consent under our current permit conditions to be approved for a period of 15-20 years in line with the capital investment made. We also want the ORC to support Strath Taieri Irrigation operation, to ensure a strong constant flow in the Taieri river, which is good for the river, its habitat, and would be good for the local community/economy i.e. power station, Oceania Gold, and irrigators.	Reject
Policy 10A.2.3	214	71214	71214.03		Ian Hewett	Oppose	Amend the policy	Accept in part
Policy 10A.2.3	215	71215	71215.02		Ian Robert Brown	Oppose	Decline PC7	Reject
Policy 10A.2.3	216	71216	71216.02		JR Webb & Sons Ltd	Oppose	Decline PC7	Reject
Policy 10A.2.3	217	71217	71217.02		The Larches Ltd	Oppose	ORC should allow for replacement deemed permits to be for a full term of 35 years	Reject
Policy 10A.2.3	220	71220	71220.02		Karl Benjamin Lawrence	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.3	221	71221	71221.02		Stewart Town Vineyard	Oppose	I would like to see the term for permits to be 25 years+	Reject
Policy 10A.2.3	223	71223	71223.02		Malcolm Cameron	Oppose	Leave it as it is or exclude mining and dredging	Reject
				FS714	Aukaha Ltd	Oppose		Accept
Policy 10A.2.3	227	71227	71227.02		Mitchell Grierson	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.3	232	71232	71232.03		Linnburn Station Ltd	Not stated	Extend permit terms from 6 years, change date ranges and approaches to analysing data out to 30 June 2020 if the data is available	Accept in part
				FS715	Trustpower Limited	Oppose		Accept in part
Policy 10A.2.3	235	71235	71235.02		Cairnhill	Oppose		Reject
Policy 10A.2.3	238	71238	71238.02		Stonehaven Limited	Oppose	I wish to see PC 7 withdrawn	Reject
Policy 10A.2.3	239	71239	71239.02		Ysan Family Trust	Oppose in Part	The permits to be valid until 2035	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS714	Aukaha Ltd	Support		Reject
Policy 10A.2.3	240	71240	71240.02		Wakefield Estates Limited	Oppose	I would like to see new water permits issued for 35 year terms where there is clear evidence provided that effects on other parties are minimal Allowance for new irrigable areas within new permit limits Review rules around bore takes around Lake Dunstan as the rules outside 100m are too restrictive	Accept in part

Policy 10A.2.3	242	71242	71242.02		Blackstone Irrigation Company	Oppose	Decline the whole of PC7	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.3	245	71245	71245.02		Samuel Counsell Stephens	Not stated	Adopt a sensible term of consent (10 years) that is commensurate with effects (if any) on the environment rather than a blanket 6 year term	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.3	247	71247	71247.02		Coburns Partnership	Oppose	The ORC should throw out Plan Change 7	Reject
Policy 10A.2.3	248	71248	71248.02		Tim Le Comte	Not stated	Adopt a sensible term of consent that is commensurate with effects on the environment rather than a blanket 6 year term	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS714	Aukaha Ltd	Support in part		Reject
Policy 10A.2.3	250	71250	71250.02		Omakau Fuel Services	Oppose	Remove Plan Change 7 as it serves no useful purpose for our town, community or business	Reject
Policy 10A.2.3	253	71253	71253.02		Tony Strain	Oppose	Withdraw Plan Change 7	Reject
Policy 10A.2.3	254	71254	71254.02		Cardrona Valley Farms Ltd	Oppose	Revisit Plan Change 7 in its entirety alongside catchment groups	Reject
Policy 10A.2.3	255	71255	71255.01		Tuohy's Limited	Not stated	Put in place a 25 year term that provides certainty to the farming community	Reject
				FS715	Trustpower Limited	Oppose		Accept
Policy 10A.2.3	256	71256	71256.04		Jeremy Kenneth Walton	Support	Supports the ORC doing Plan Change 7 now	Accept
Policy 10A.2.3(a)	149	71149	71149.21		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Amend Policy 10A.2.3 (a) by removing the words “no more than minor” and replacing with outcomes that must be met, such as safeguarding the life supporting capacity ecosystem processes and indigenous species including their associated ecosystems of fresh water to give effect to Objective B1 NPS.	Accept in part
				FS715	Trustpower Limited	Oppose		Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Accept
				FS708	Ministry for the Environment	Support		Accept in part
				FS706	Horticulture New Zealand	Oppose		Accept in part
				FS705	Federated Farmers of New Zealand	Oppose		Accept in part
				FS714	Aukaha Ltd	Support		Accept in part
Policy 10A.2.3(b)		70030	70030.06		M Sole	Oppose	Delete provision for consent terms of up to 15 years, or otherwise define what is meant by an effect from surface water abstraction that is 'no more than minor' including cumulative effects.	Reject
Policy 10A.2.3(b)		70033	70033.02		Central Otago Environmental Society Inc.	Support	Consents that are issued with a term of 15 years must include conditions that limit over-abstraction and pollution of natural waterways.	Reject
				FS715	Trustpower Limited	Oppose		Accept

				FS706	Horticulture New Zealand	Reject in part		Accept
				FS714	Aukaha Ltd	Support		Reject
Policy 10A.2.3(b)		70051	70051.02		L Stewart	Oppose	Consents that are issued with a term of 15 years must include conditions that limit over-abstraction and pollution of natural waterways.	Reject
				FS714	Aukaha Ltd	Support		Reject
Policy 10A.2.3(b)	149	71149	71149.01		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Amend Policy 10A.2.3 (b) by changing 31 December 2035 to 31 December 2030.	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS708	Ministry for the Environment	Support		Reject
				FS707	Landpro Limited	Oppose		Accept
				FS706	Horticulture New Zealand	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept
Policy 10A.2.3(b)	182	71182	71182.03		Strath Taieri Irrigation Company	Oppose	STIC want the Plan Change to be declined. PC7 will undermine and stall any environmental and economic gains or opportunities for the Upper and Strath Taieri regions for at least the next decade. If PC7 is not declined, then the Upper Taieri should not be included in the Plan Change.	Reject
				FS712	Public Health South	Oppose		Accept
Policy 10A.2.3(b)	199	71199	71199.04		Hiburn Farm and Coburn Partnership	Oppose	Decline PC7	Reject
Rule 10A.3.1	043	71043	71043.05		Pisa Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR amend existing policies and methods in the RPW, OR widthraw PC7 and replace with simple transitional objectives and policies implemented by a permitted activity rule and supporting methods.	Reject
				FS712	Public Health South	Oppose		Accept

Rule 10A.3.1	073	71073	71073.04		Banarach Farm Limited	Oppose	Amend Rule 10A.3.1 to read: Any activity will replace a lawfully established divert, take or use affected by the provisions of Section 124-124C of the RMA where that water permit expires prior to 31 December 2025 is a controlled activity provided the following conditions are met: (i) The consent duration sought is no more than six years past the expected notification date of the plan change to the Regional Water Plan that will introduce new water quantity provisions; and (ii) There is no increase in the instantaneous rate of abstraction; and (ii) An appropriate residual flow, minimum flow or take cessation condition is applied to the new permit; and (iv) An appropriate annual volume is proposed in accordance with Method 10A.4; and (v) The area irrigated does not exceed that which was irrigated at 30 June 2018, or any increase in the irrigation area is limited to 20 hectares above that which was irrigated at 30 June 2018. The Council reserves control over the following matters: a. Whether the amount of water diverted, taken or used is reasonable for the intended use. In assessing reasonable use for irrigation purposes, the council will consider the matters set out in Method 10A.4; and b. If relevant, methods for preventing fish from entering the water intake; and c. The point and method of measurement and the method for transmitting recorded data to Council. Pursuant to sections 95A and 95B of the RMA, an application for resource consent under this rule will be processed and considered without public or limited notification. Limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under Section 95B(3) of the RMA.	Reject
				FS715	Trustpower Limited	Oppose		Accept
Rule 10A.3.1	151	71151	71151.08		Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively mana whenua)	Support	Retain as notified.	Accept in part
				FS715	Trustpower Limited	Oppose		Accept in part
				FS712	Public Health South	Support		Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Accept in part

Rule 10A.3.1	205	71205	71205.03		Paydirt	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment.	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Rule 10A.3.1	210	71210	71210.03		Glen Shaw	Not stated	Make non consumptive activities like suction dredging as a permitted or controlled activity and increase the consent for these takes longer than 6 years ie 10 years	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Rule 10A.3.1	219	71219	71219.02		Julian Lloyd Crawford	Not stated	I am opposed to any requirement for small scale suction dredging to require a resource consent or water permit.	Reject
				FS714	Aukaha Ltd	Oppose		Accept
Rule 10A.3.1	220	71220	71220.03		Karl Benjamin Lawrence	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Rule 10A.3.1	223	71223	71223.03		Malcolm Cameron	Oppose	Leave it as it is or exclude mining and dredging	Reject
				FS714	Aukaha Ltd	Oppose		Accept
Rule 10A.3.1	227	71227	71227.03		Mitchell Grierson	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Rule 10A.3.1	230	71230	71230.05		Davison Agriculture Ltd	Oppose	Oppose rule	Reject
Rule 10A.3.1.1		70012	70012.02		Mervyn Mitchell	Oppose	Decline the plan change	Reject
Rule 10A.3.1.1		70034	70034.03		Ministry for the Environment	Oppose	Add a new rule that makes any activity that does not meet one or more of the conditions of Rule 10A.3.1.1 a prohibited activity	Reject
				FS703	Dunedin City Council	Oppose		Accept
				FS715	Trustpower Limited	Oppose		Accept
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
				FS711	Otago Water Rights User Group	Oppose		Accept
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support		Reject
				FS709	Ngai Tahu ki Murihiku	Support		Reject
				FS707	Landpro Limited	Oppose		Accept
				FS706	Horticulture New Zealand	Oppose		Accept

				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS704	Falls Dam Company Limited ("FDC")	Oppose		Accept
				FS701	DairyNZ Ltd	Oppose		Accept
Rule 10A.3.1.1		70036	70036.05		Aotearoa New Zealand Fine Wine Estates Limited Partnership	Oppose	Amend as shown: 10A.3.1.1: Despite any other rule or rules in this Plan; a) any activity that is currently authorised under a Deemed Permit; ~~or~~ ~~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;~~ is a controlled activity provided the following conditions are met: (i) ~~The consent duration sought is no more than six years; and~~ ~~(ii)~~ The deemed permit or water permit that is being replaced is a valid permit; and (ii) A review condition be imposed to ensure the consent is reviewed once the new Otago Land and Water Regional Plan 2025 has been made operative. ~~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~~ (iiiv) The rate of take and volume shall be no more than the demonstrated reasonable and efficient use with a 9 in 10 year reliability and not more than the rate of take or volume allowed by the existing permit that is being replaced ~~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~~ ~~(v) Any existing residual flow, minimum flow, or take cessation condition (whichever is applicable) is included in the application for resource consent; and~~ ~~(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.~~	Reject
Rule 10A.3.1.1		70040	70040.03		Balquhidder Farming Ltd	Oppose	Decline the plan change	Reject
Rule 10A.3.1.1		70045	70045.03		Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part	Amend as shown: (v) any existing residual flow, minimum flow, relevant minimum flow listed in Schedule 2 or take cessation condition (whichever is applicable) is included in the application for resource consent; and	Reject
				FS711	Otago Water Rights User Group	Oppose		Accept

				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
				FS709	Ngai Tahu ki Murihiku	Support in part		Reject
				FS714	Aukaha Ltd	Support		Reject
Rule 10A.3.1.1		70045	70045.12		Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part	Redraft of the Advice Note of Rule 10A.3.1.1 to clarify, replace or remove the word “new” in relation to a resource consent.	Accept
				FS711	Otago Water Rights User Group	Oppose		Reject
				FS709	Ngai Tahu ki Murihiku	Support in part		Accept in part
				FS705	Federated Farmers of New Zealand	Oppose		Reject
				FS714	Aukaha Ltd	Support in part		Accept in part
Rule 10A.3.1.1		70046	70046.03		Cardrona Alpine Resort Ltd	Oppose	Amend as shown: b) the take and use of surface water(including ground water considered as surface water under Policy 6.4.1A (a), (b) and (c) of this Plan) that is <u>an activity related to domestic, communal or commercial potable water users or water taken for snow making purposes</u> that is currently authorised by an existing water permit where that permit expires prior to 31 December 2025; is a controlled activity provided the following conditions as applicable to consents required for commercial irrigation of farmland and crops are met:	Reject
				FS706	Horticulture New Zealand	Oppose in part		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS714	Aukaha Ltd	Support in part		Reject
Rule 10A.3.1.1		70047	70047.07		Otago Province Federated Farmers of New Zealand	Oppose in part	Amend as indicated: Delete Rule 10A.3.1.1(b) • Delete (i) • delete (iii) reference to land area under irrigation • amend (iv) to include the rate of take as being the rate taken under the exercise of the current or existing resource consent up to and not exceeding the existing authorised rate of take, and remove reference to the method outlined in Schedule 10A.4, • delete (v) for reasons highlighted above; and • remove reference within (vi) to the daily, monthly and annual limit of take as being that taken under the exercise of the current or existing resource consent with allowance for climatic variability and seasonal extremes, up to and not exceeding the existing authorised daily, monthly and annual limit of take, and remove reference to the method outlined in Schedule 10A.4.	Accept in part

							Delete and redraft the matters Council reserves control over (specific changes not indicated).	
				FS712	Public Health South	Oppose		Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept in part
Rule 10A.3.1.1		70048	70048.05		Queenstown Lakes District Council	Support in part	Amend as shown: 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 ~~D~~despite any other rule or rules in this Plan; .... 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 .... (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~~.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Not stated		Reject
				FS708	Ministry for the Environment	Support		Reject
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS703	Dunedin City Council	Support		Reject
				FS714	Aukaha Ltd	Support in part		Reject
Rule 10A.3.1.1	007	71007	71007.03		Cold Gold Clutha Limited	Oppose	Addition of the following at the end of the rule, "Or (vii) The take and use of water is non-consumptive."	Reject

				FS709	Ngai Tahu ki Murihiku	Support in part		Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
Rule 10A.3.1.1	011	71011	71011.05		Anne and Laurie McAuley	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1	014	71014	71014.06		Sowburn Water Co Ltd	Oppose	The Taieri Catchment (including Sowburn Creek) water permits are 80% processed using the existing plan rules and policies. It is recommended that these continue to be processed through the existing plan rules and policies and refuse all aspects of PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1	040	71040	71040.04		Peter John and Glenda Elizabeth McGrath	Oppose	Wishes to see the whole of PC7 withdrawn and ORC should finalise their comprehensive review of the Regional Plan: Water first.	Reject
Rule 10A.3.1.1	046	71046	71046.02		Gavin John Sigismund Hogg	Oppose	Wishes to see the whole of PC7 withdrawn and ORC review their current plan so it is NPSFM compliant. If PC7 is not withdrawn then the submitter seeks that a permitted activity be used to roll over the permits without any changes.	Reject
Rule 10A.3.1.1	080	71080	71080.03		Kakanui Water Allocation Committee	Oppose	Oppose the inclusion of water permits which expire prior to 31 December 2025, and a continuance/ rollover be granted to these consents to allow them to be dealt with under the new Otago Land and Water Plan.	Reject

Rule 10A.3.1.1	105	71105	71105.02		North Otago Irrigation Company Limited	Oppose	Amend Rule 10A.3.1 to read: Any activity will replace a lawfully established divert, take or use affected by the provisions of Section 124-124C of the RMA where that water permit expires prior to 31 December 2025 is a controlled activity provided the following conditions are met: (i) The consent duration sought is no more than six years past the expected notification date of the plan change to the Regional Water Plan that will introduce new water quantity provisions; and (ii) There is no increase in the instantaneous rate of abstraction; and (ii) An appropriate residual flow, minimum flow or take cessation condition is applied to the new permit; and (iv) An appropriate annual volume is proposed in accordance with Method 10A.4; and (v) The area irrigated does not exceed that which was irrigated at 30 June 2018, or any increase in the irrigation area is limited to 20 hectares above that which was irrigated at 30 June 2018. The Council reserves control over the following matters: a. Whether the amount of water diverted, taken or used is reasonable for the intended use. In assessing reasonable use for irrigation purposes, the council will consider the matters set out in Method 10A.4; and b. If relevant, methods for preventing fish from entering the water intake; and c. The point and method of measurement and the method for transmitting recorded data to Council. Pursuant to sections 95A and 95B of the RMA, an application for resource consent under this rule will be processed and considered without public or limited notification. Limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under Section 95B(3) of the RMA.	Reject
				FS712	Public Health South	Oppose		Accept
				FS706	Horticulture New Zealand	Support		Reject
Rule 10A.3.1.1	107	71107	71107.04		Coal Creek Water Users Group	Oppose	Abandon Plan Change 7, continue with the current water plan that we consider “fit for purpose”. OR Amend the RMA to extend the October 2021 deadline to 2025 that will co-incide with the national water strategy. By then ORC should have themselves organised with the new NPS based water plan. This would not be a waste of parliamentary time compared to the wasted time and effort by irrigators and ORC.	Reject
Rule 10A.3.1.1	109	71109	71109.03		Caroline Tamblyn	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1	110	71110	71110.03		Hamilton Runs Limited	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1	112	71112	71112.03		Hawksburn Station	Oppose	Wishes to see the whole of PC7 withdrawn and process water permits under the current plan's rules and policies.	Reject

Rule 10A.3.1.1	119	71119	71119.04		Pioneer Energy Limited	Oppose	Withdraw the whole of PC7 or amend PC7 to remove deemed permits relating to dams and associated infrastructure so that these permits can continue to have applications assessed under the current RWP framework and not PC7.	Reject
				FS715	Trustpower Limited	Support in part		Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
				FS714	Aukaha Ltd	Oppose		Accept
Rule 10A.3.1.1	130	71130	71130.03		Manuherikia Catchment Group	Oppose	Wishes to see the whole of PC7 withdrawn. We seek the urgent but robust completion of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Rule 10A.3.1.1	131	71131	71131.07		Horticulture New Zealand	Oppose in Part	Amend as follows: 10A.3.1.1 Despite any other rule or rules in this Plan; a) any activity that is currently authorised under a Deemed Permit; ~~or~~ ~~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;~~ is a controlled activity provided the following conditions are met: (i) ~~The consent duration sought is no more than six years; and~~ ~~(ii)~~ The deemed permit or water permit that is being replaced is a valid permit~~;~~ and (ii) A review condition be imposed to ensure the consent is reviewed once the new Otago Land and Water Regional Plan 2025 has been made operative. ~~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~~ (iv) The rate of take and volume shall be no more than the demonstrated reasonable and efficient use with a 9 in 10 year reliability ~~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~~ ~~(v) Any existing residual flow, minimum flow, or take cessation condition (whichever is applicable) is included in the application for resource consent; and~~ ~~(vi) The volume of water taken shall be no more than the average maximum of the daily volume limit, or monthly~~	Reject

							~~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.~~ The Council reserves control over the following matters: (a) Intake method and flow rate controls to avoid or mitigate fish entrainment; and (b) The volume and rate of water taken, dammed, discharged or diverted, and the timing and frequency of the take or damming or diversion or discharge; and (c) Efficiency of water use and how that efficiency is to be sustained for the duration of the water permit; and (d) Provision of fish passage; and (e) The rules or operating procedures of any relevant water allocation committee that exists for the catchment; and (f) Minimum flow, residual flow or take cessation conditions; and (g) Review conditions; and (h) Compliance monitoring; and (i) The point and method of measurement and the method for transmitting recorded data to Council. Pursuant to sections 95A and 95B of the RMA, an application for resource consent under this rule will be processed and considered without public or limited notification. Limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under Section 95B(3) of the RMA. *Advice Note: If the application is for a new water permit (and not the replacement of a deemed permit or replacement of an expiring water permit) refer to the rules in Chapter 12 of this Plan.*	
				FS705	Federated Farmers of New Zealand	Support in part		Reject
Rule 10A.3.1.1	133	71133	71133.06		Falls Dam Company Limited ("FDC")	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to remove deemed permits relating to dams and irrigation infrastructure so that these permits can continue to have applications assessed under the current RPW framework and not PC7.	Reject
				FS715	Trustpower Limited	Support in part		Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept

Rule 10A.3.1.1	134	71134	71134.06		Hortinvest Limited ("Hortinvest")	Oppose	Wishes to see the whole PC7 withdrawn. OR Amend as follows: a. Introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. b. Exclude new applications to take water from catchments (including connected groundwater) not fully allocated, i.e. the Clutha Catchment. These applications are best dealt with under the existing RPW Framework. c. Provide clarity around whether it is intended to apply to new applications or replacement applications or both.	Accept in part
Rule 10A.3.1.1	135	71135	71135.06		Lindis Peaks Farming Limited ("Lindis Peaks")	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/MataAu River should not be included as the Clutha/Mata-Au is not fully allocated.	Reject
Rule 10A.3.1.1	137	71137	71137.08		Omakau Area Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR undertake urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1	139	71139	71139.05		Terraces Irrigation Limited ("TIL")	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/Mata-Au River should not be included as the Clutha/Mata-Au is not fully allocated. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
				FS712	Public Health South	Oppose		Accept

Rule 10A.3.1.1	143	71143	71143.08		Trustpower Limited	Not stated	Amend as follows: 10A.3.1.1 Despite any other rule or rules in this Plan~~,~~ the take and use of surface water for the purpose of irrigation where: a) any activity that is currently authorised under a Deemed Permit; or 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; is a controlled activity provided the following conditions are met: …	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS714	Aukaha Ltd	Support in part		Reject
Rule 10A.3.1.1	143	71143	71143.09		Trustpower Limited	Not stated	Create new Rule 10A.3.1.2 as follows: 10A.3.1.2 Despite any other rule or rules in this Plan, the take and use of surface water for the purpose of hydro-electricity generation or regionally significant infrastructure where: a) any activity that is currently authorised under a Deemed Permit; or 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; and is a controlled activity provided the following conditions are met: (i) The deemed permit or water permit was legally authorised and has been exercised over the previous 5 years; and (ii) The rate of take and volume of water sought shall be no more than the existing authorized rate of take; and(iii) Any existing residual flow, minimum flow, or take cessation condition (whichever is applicable) is included in the application for resource consent. The Council reserves control over the following matters: (a) Intake method and flow rate controls to avoid or mitigate fish entrainment and provision for fish passage; and (b) The volume and rate of water taken, dammed, discharged or diverted, and the timing and frequency of the take or damming or diversion or discharge; and (c) The rules or operating procedures of any relevant	Reject

							water allocation committee that exists for the catchment; and (d) Minimum flow, residual flow or take cessation conditions; and (e) Review conditions; and (f) Compliance monitoring; and (g) The point and method of measurement and the method for transmitting recorded data to Council. Pursuant to sections 95A and 95B of the RMA, an application for resource consent under this rule will be processed and considered without public or limited notification. Limited notification to affected order holders in terms of section 95F of the RMA will be necessary, where relevant, under Section 95B(3) of the RMA.	
				FS712	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose	-	Accept
				FS706	Horticulture New Zealand	Oppose	-	Accept
				FS705	Federated Farmers of New Zealand	Oppose	-	Accept
				FS714	Aukaha Ltd	Support in part	-	Reject
Rule 10A.3.1.1	149	71149	71149.05		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Retain the activity description for Rule 10A.3.1.1.	Accept
				FS715	Trustpower Limited	Oppose		Reject
				FS714	Aukaha Ltd	Support		Accept
Rule 10A.3.1.1	149	71149	71149.11		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Amend the matter of Control in Rule 10A.3.1.1 to include: i. Effects on any wetland; and ii. Effects on indigenous biological diversity	Reject
				FS707	Landpro Limited	Oppose		Accept
				FS706	Horticulture New Zealand	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept

				FS715	Trustpower Limited	Oppose		Accept
				FS714	Aukaha Ltd	Support		Reject
Rule 10A.3.1.1	149	71149	71149.12		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Add a new restricted discretionary activity rule 10A.3.1.1X which applies where conditions (v) and/or (vi) of Rule 10A.3.11 are not met. This rule is to include: i. An activity description the same as for Rule 10A.3.1.1 and which complies with all other conditions of that rule. ii. Any conditions necessary to address this submission iii. Matters for discretion including at the applicable conditions already identified for the controlled activity rule, including conditions (vi) but without the 20% requirement and the additional matters set out above. iv. Provision for public notification. v. Guidance on setting minimum flows as set out in Appendix 3 to this submission.	Reject
				FS707	Landpro Limited	Oppose		Accept
				FS706	Horticulture New Zealand	Oppose		Accept
				FS714	Aukaha Ltd	Support		Reject
Rule 10A.3.1.1	159	71159	71159.06		Landpro Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Rule 10A.3.1.1	163	71163	71163.04		Ida Valley Irrigation Company Limited	Oppose	To revoke in its entirety Plan Change 7 and to have water permit/consent applications heard and decided under the current planning documentation.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1	165	71165	71165.03		Brent William Marshall	Not stated	Wishes to see the whole PC7 withdrawn and continue with the current water plan that the submitter considers "fit for purpose". Alternatively amend the RMA to extend the October 2021 deadline to 2025 that will co-incide with the national water strategy. By then ORC should have themselves organised with the new NPS based water plan. This would not be a waste of parliamentary time compared to the wasted time and effort by irrigators and ORC.	Reject

Rule 10A.3.1.1	168	71168	71168.05		Beef and Lamb New Zealand Ltd and Deer Industry New Zealand	Oppose in Part	Amend as follows: 10A.3.1.1 Despite any other rule or rules in this Plan: a) Any activity that is currently authorised under a Deemed Permit; or b) The take and use of surface water (including groundwater considered as surface water under policy 6.4.1.A(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; Is a controlled activity provided the following conditions are met: (i) The consent duration sought is no more than ~~six~~ ten years; and (ii) The deemed permit or water permit that is being replaced is a valid permit: and (iii) ~~The application demonstrates that the total land area under irrigation does not exceed that irrigated in the2017-2018 irrigation season, if the abstracted water is used for irrigation; and~~ (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~~ (v) Any residual flow, minimum flow, or take cessation condition (whichever is applicable) is included in the application for resource consent: and (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.~~ The Council reserves control over the following matters: (a) Intake method and low rate controls to avoid or mitigate fish entrainment; and (b) ~~The volume and rate of water taken, dammed, discharges, or diverted, and the timing and frequency of the take or damming or diversion or discharge; and~~ (c) ~~Efficiency of water use and how that efficiency is to be sustained for the duration of the water permit; and~~ (d) Provision of fish passage; and (e) The rules or operating procedures of ay relevant water allocation committee that exists for the catchment; and (f) ~~Minimum flow, residual flow, or take cessation conditions and~~ (g) Review conditions; and (h) Compliance monitoring; and (i) The point and method of measurement and the method for transmitting recorded data to Council.	Accept in part

Rule 10A.3.1.1	172	71172	71172.02		Ballance Agri-Nutrients Limited	Support in part	Amend PC7 by adopting a 'hold the line' policy.	Accept in part
Rule 10A.3.1.1	174	71174	71174.08		Te Ao Marama	Support	Retain the overall intent of Rule 10A3.1.1 and ensure that the combination of conditions and matters reserved for control within the controlled activity rule, Rule 10A.3.1.1, and the methodology used to establish maximum rates and volumes of abstraction, achieves the intent of Policy 10A.2.1 to reduce allocation and results in reasonable and efficient use of water during the transitionary period.	Accept in part
				FS712	Public Health South	Support		Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support		Accept in part
				FS714	Aukaha Ltd	Support		Accept in part
Rule 10A.3.1.1	177	71177	71177.06		Federated Farmers of New Zealand - Otago and North Otago Provinces	Oppose in Part	Amend as follows: • Delete Rule 10A.3.1.1(b) • Delete (i) • delete (iii) reference to land area under irrigation • amend (iv) to include the rate of take as being the rate taken under the exercise of the current or existing resource consent up to and not exceeding the existing authorised rate of take, and remove reference to the method outlined in Schedule 10A.4, • delete (v) for reasons highlighted above; and • remove reference within (vi) to the daily, monthly and annual limit of take as being that taken under the exercise of the current or existing resource consent with allowance for climatic variability and seasonal extremes, up to and not exceeding the existing authorised daily, monthly and annual limit of take, and remove reference to the method outlined in Schedule 10A.4. • Delete and redraft the matters Council reserves control over – they are currently too onerous and expensive given the intent of the rule.	Accept in part
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose		Accept in part
				FS712	Public Health South	Oppose		Accept in part
Rule 10A.3.1.1	180	71180	71180.07		Director General of Conservation	Support in part	Amend as follows: Any existing residual flow, minimum flow, or take cessation condition, *or relevant Schedule 2A minimum flow* (whichever is applicable) ~~included in the application for the resource consent~~ included as a condition in the application.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Reject

				FS709	Ngai Tahu ki Murihiku	Support in part		Reject
				FS714	Aukaha Ltd	Support		Reject
Rule 10A.3.1.1	180	71180	71180.08		Director General of Conservation	Support in part	Apply "banding" or some other suitable a flow trigger that signals when the different priority takes can operate to the short-term consents that enables them to retain their current deemed permit priority in Policy 10A.2.1 and Rule 10A3.1.1, as follows or to like effect as follows: Rule 10A3.1.1, add new condition (vii) *(vii) Flow triggers or bands are established to enable short term consents to maintain their previous deemed permit priorities.* Undertake hydrological studies to ascertain the effects of removing consent priority on consents and their effects on residual or minimum flows, and consequent effects on life supporting capacity for instream fauna and ecosystems.	Accept in part
				FS715	Trustpower Limited	Oppose		Accept
				FS706	Horticulture New Zealand	Oppose		Reject
				FS705	Federated Farmers of New Zealand	Oppose		Reject
				FS714	Aukaha Ltd	Support		Accept in part
Rule 10A.3.1.1	180	71180	71180.09		Director General of Conservation	Support in part	Retain matters of control (a) and (d), and; Add additional matters of control (j), (k) and (l): *(j) Protection of non-migratory galaxias species and their habitat from sports fish; and* *(k) Avoiding galaxias interspecies interaction.", and* *(l) Maintain habitat diversity"*	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Reject
				FS709	Ngai Tahu ki Murihiku	Support in part		Reject
				FS707	Landpro Limited	Oppose		Accept
				FS706	Horticulture New Zealand	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS714	Aukaha Ltd	Support		Reject
Rule 10A.3.1.1	197	71197	71197.03		Chris Dignan	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment	Reject

				FS714	Aukaha Ltd	Support in part		Reject
Rule 10A.3.1.1	198	71198	71198.03		Chris Pritchard	Not stated	Make non consumptive activities like suction dredging as a permitted or controlled activity and increase the consent for these takes longer than 6 years ie 10 years	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Rule 10A.3.1.1	233	71233	71233.03		Peter Gerald McLeod	Not stated	Amend Rule 10A.3.1.1 to allow flexibility when assessing individual circumstances	Reject
Rule 10A.3.1.1	245	71245	71245.03		Samuel Counsell Stephens	Not stated	Provide for non-consumptive takes, such as suction dredge gold mining, as a permitted or controlled activity	Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
Rule 10A.3.1.1	248	71248	71248.03		Tim Le Comte	Not stated	Provide for non-consumptive takes as a permitted or controlled activity	Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
Rule 10A.3.1.1	252	71252	71252.03		Tony Sewhoy	Oppose	Add a new clause: '(vii) Non consumptive takes will be assessed as a controlled activity'	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Rule 10A.3.1.1	256	71256	71256.05		Jeremy Kenneth Walton	Support	Supports the ORC doing Plan Change 7 now	Accept
Rule 10A.3.1.1(a)	167	71167	71167.02		Billee Patricia Marsh	Support	In all decisions relating to the issuing of Water Permits, the submitter asks Council to: 1) Ensure the protection of natural character and amenity values of our waterways. 2) Retain river flows that are sufficient to maintain their life-supporting capacity for aquatic ecosystems	Reject
				FS714	Aukaha Ltd	Support		Reject
Rule 10A.3.1.1(b)		70045	70045.11		Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part	Consistent wording within Rules 10A.3.1.1(b) and 10A.3.2.1 to ensure all surface water consent applications for existing water permits that expire prior to 31 December 2025 are captured by both rules.	Accept
				FS711	Otago Water Rights User Group	Oppose		Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Accept
				FS709	Ngai Tahu ki Murihiku	Support in part		Accept in part
				FS705	Federated Farmers of New Zealand	Oppose		Reject
				FS714	Aukaha Ltd	Support in part		Accept in part
Rule 10A.3.1.1(b)		70052	70052.11		Wise Response Society Inc	Support	Insert: 'instantaneous rate'	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject

Rule 10A.3.1.1(b)	043	71043	71043.06		Pisa Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR amend existing policies and methods in the RPW, OR widthraw PC7 and replace with simple transitional objectives and policies implemented by a permitted activity rule and supporting methods.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(c)	043	71043	71043.07		Pisa Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR amend existing policies and methods in the RPW, OR widthraw PC7 and replace with simple transitional objectives and policies implemented by a permitted activity rule and supporting methods.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(c)	167	71167	71167.03		Billee Patricia Marsh	Support	In all decisions relating to the issuing of Water Permits, the submitter asks Council to: 1) Ensure the protection of natural character and amenity values of our waterways. 2) Retain river flows that are sufficient to maintain their life-supporting capacity for aquatic ecosystems	Reject
				FS714	Aukaha Ltd	Support		Reject
Rule 10A.3.1.1(d)	167	71167	71167.04		Billee Patricia Marsh	Support	In all decisions relating to the issuing of Water Permits, the submitter asks Council to: 1) Ensure the protection of natural character and amenity values of our waterways. 2) Retain river flows that are sufficient to maintain their life-supporting capacity for aquatic ecosystems	Reject
				FS714	Aukaha Ltd	Support		Reject
Rule 10A.3.1.1(e)		70052	70052.02		Wise Response Society Inc	Support	Require representation on these committees that represent recreational and ecological interests	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
Rule 10A.3.1.1(e)	167	71167	71167.05		Billee Patricia Marsh	Support	In all decisions relating to the issuing of Water Permits, the submitter asks Council to: 1) Ensure the protection of natural character and amenity values of our waterways. 2) Retain river flows that are sufficient to maintain their life-supporting capacity for aquatic ecosystems	Reject
				FS714	Aukaha Ltd	Support		Reject
Rule 10A.3.1.1(f)	043	71043	71043.08		Pisa Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR amend existing policies and methods in the RPW, OR widthraw PC7 and replace with simple transitional objectives and policies implemented by a permitted activity rule and supporting methods.	Reject
				FS712	Public Health South	Oppose		Accept

Rule 10A.3.1.1(f)	167	71167	71167.06		Billee Patricia Marsh	Support	In all decisions relating to the issuing of Water Permits, the submitter asks Council to: 1) Ensure the protection of natural character and amenity values of our waterways. 2) Retain river flows that are sufficient to maintain their life-supporting capacity for aquatic ecosystems	Reject
				FS714	Aukaha Ltd	Support		Reject
Rule 10A.3.1.1(i)		70055	70055.03		Clachanburn Station	Not stated	Amend such that short term consents are issued with the lowest possible cost, or at the cost of ORC	Reject
Rule 10A.3.1.1(i)	002	71002	71002.02		Mark Skinner	Oppose	Addition of the following text at the start of the controlled condition, "Except for non-consumptive takes,".	Reject
				FS714	Aukaha Ltd	Oppose		Accept
Rule 10A.3.1.1(i)	003	71003	71003.04		Darryl Sycamore	Oppose	Adopt a sensible term of consent for non-consumptive takes such as suction gold dredging rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment.	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Rule 10A.3.1.1(i)	004	71004	71004.02		Graeme Hutchins	Oppose	Addition of the following text at the start of the controlled condition, "Except for non-consumptive takes,".	Reject
				FS714	Aukaha Ltd	Oppose		Accept
Rule 10A.3.1.1(i)	005	71005	71005.02		Russell Irwin Knight and Doug Jones	Oppose	Addition of the following text at the start of the controlled condition, "Except for non-consumptive takes,".	Reject
				FS714	Aukaha Ltd	Oppose		Accept
Rule 10A.3.1.1(i)	008	71008	71008.04		Marian Elizabeth Weaver	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(i)	009	71009	71009.03		Heaney Road Partnership Ltd	Oppose	Wishes to see the whole of PC7 withdrawn and to allow all water permits to be processed under the current Water Plan policies and rules.	Reject
Rule 10A.3.1.1(i)	010	71010	71010.03		John Patrick and Christine Eleanor Symons	Oppose	Change the term of 6 years to 20 years.	Reject
Rule 10A.3.1.1(i)	012	71012	71012.03		Donald Young	Oppose	Wishes to see the whole of PC7 withdrawn. If it can't be withdrawn it must be amended so that permits can be replaced under the existing water plan rules and policies.	Reject
Rule 10A.3.1.1(i)	013	71013	71013.04		Lone Star Farms Ltd	Oppose	It is recommended to the Council or the Environment Court to process all Strath Taieri permits through the existing plan rules and policies and refuse all aspects of PC7.	Reject
Rule 10A.3.1.1(i)	014	71014	71014.05		Sowburn Water Co Ltd	Oppose	The Taieri Catchment (including Sowburn Creek) water permits are 80% processed using the existing plan rules and policies. It is recommended that these continue to be processed through the existing plan rules and policies and refuse all aspects of PC7.	Reject
				FS712	Public Health South	Oppose		Accept

Rule 10A.3.1.1(i)	015	71015	71015.03		Last Chance Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to introduce a simple permitted activity rule that enables current permits to be exercised until the new Land and Water Plan is operative.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(i)	016	71016	71016.05		Gavan James Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Rule 10A.3.1.1(i)	017	71017	71017.05		Benjamin Patrick Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Rule 10A.3.1.1(i)	018	71018	71018.05		Duncan Cleugh Farming Trust	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Rule 10A.3.1.1(i)	021	71021	71021.03		Omakau Auto Centre	Oppose	Wishes to see the whole of PC7 withdrawn. Let the status quo stand.	Reject
Rule 10A.3.1.1(i)	022	71022	71022.05		Robert Bruce Allan, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Rule 10A.3.1.1(i)	023	71023	71023.05		Gavan James Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Rule 10A.3.1.1(i)	024	71024	71024.05		James Andrew Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Rule 10A.3.1.1(i)	025	71025	71025.05		Catherine Mary Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Rule 10A.3.1.1(i)	027	71027	71027.05		James Andrew Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject
Rule 10A.3.1.1(i)	028	71028	71028.06		Robert James Stewart Rutherford	Oppose	If the whole PC7 is not withdrawn, remove the maximum term of 6 years, and reinstate the 35 year permit renewal.	Reject
Rule 10A.3.1.1(i)	029	71029	71029.04		Cherri Global Limited	Oppose	Wishes to see the whole PC7 withdrawn. Don't have a maximum term of 6 years, it needs to be longer.	Reject
Rule 10A.3.1.1(i)	030	71030	71030.04		Colin and Joan Cardwell	Oppose	Wishes to see the whole of PC7 withdrawn. The short timeframe of just 6 years is unacceptable and a 30 year term would give more stability and enable them to plan for the future.	Reject
Rule 10A.3.1.1(i)	031	71031	71031.06		Mt Barker Trust	Oppose	The six year limit is removed.	Reject
Rule 10A.3.1.1(i)	032	71032	71032.05		Orchard Road Holdings Limited	Oppose	The six year limit is removed.	Reject
Rule 10A.3.1.1(i)	033	71033	71033.02		Nathan David Roberts	Oppose	Make the term longer than 6 years, it should be a minimum of 30 years.	Reject
Rule 10A.3.1.1(i)	035	71035	71035.03		William James and Jennifer Anne Scott	Oppose	Amend PC7 to renew water rights for a minimum of 35 years.	Reject
Rule 10A.3.1.1(i)	036	71036	71036.05		MD and DG Jones Family Trust	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
Rule 10A.3.1.1(i)	037	71037	71037.05		Harold Kruse Davidson	Oppose	Wishes to see the whole of PC7 withdrawn. Should be a 25-35 year term minimum.	Reject
Rule 10A.3.1.1(i)	039	71039	71039.02		Richard Clark	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject

Rule 10A.3.1.1(i)	042	71042	71042.04		Kingsmill Wines	Oppose	The existing allocations should be extended indefinitely until the new LWRP is prepared and approved.	Reject
Rule 10A.3.1.1(i)	044	71044	71044.04		Christoffel Johannes De Jong	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
Rule 10A.3.1.1(i)	049	71049	71049.03		John Chambers	Oppose	For all existing water permits to roll over to 2025 and are then renewed under the new Regional Land and Water Plan (LWRP).	Reject
Rule 10A.3.1.1(i)	050	71050	71050.03		Kawarau Station Limited	Oppose	Wishes PC7 be removed from Council and for the current plan to be used to process any further water permit applications.	Reject
Rule 10A.3.1.1(i)	051	71051	71051.04		Andrew James Wilkinson	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(i)	053	71053	71053.03		MFS Ventures Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Kakanui and Waianakarua catchments be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(i)	054	71054	71054.04		Terra Sancta Limited	Oppose	Given the COVID- driven impacts, and regulatory restrictions and the massive financial pressures the submitter presently face as a consequence, they request that this process be pushed back at least a year.	Reject
Rule 10A.3.1.1(i)	055	71055	71055.04		Amisfield LP	Oppose	As per the 3 options put forth by OWRUG	Reject
Rule 10A.3.1.1(i)	056	71056	71056.04		Central Otago Winegrowers Association	Oppose	Given the COVID-driven impacts, and regulatory restrictions on many of our members' businesses, as well as financial pressures, we request a 12 month delay to the process.	Reject
Rule 10A.3.1.1(i)	057	71057	71057.05		Alistair and Barbara Groundwater	Oppose	Wishes to see the whole of PC7 withdrawn. The Otago Reginal Council (ORC) can process water permit applications under the existing plan and does not need to establish an interim planning framework. A minimum consent length of 25yrs would be required to allow the Bank to provide development funding for the industry.	Reject
Rule 10A.3.1.1(i)	058	71058	71058.04		Bradley and Kirsten McEwan	Oppose	Wishes to see the whole of PC7 withdrawn. A minimum consent length of 25yrs would be required to allow the Bank to provide development funding for the industry.	Reject
Rule 10A.3.1.1(i)	061	71061	71061.04		Beggs Creek Station	Oppose	Wishes to see the whole of PC7 withdrawn, and water permit applications should be processed under the existing framework. A minimum consent length of 25 years would be required to allow the Bank to provide development funding for the industry.	Reject
Rule 10A.3.1.1(i)	062	71062	71062.04		Thomas Matthew Moran and Jo Anne Elizabeth Moran	Oppose	The submitter wants to see the status quo remain until such a time as work is completed and minimum flows are established.	Reject
Rule 10A.3.1.1(i)	063	71063	71063.05		Hamilton Dairy Ltd	Oppose	If the whole PC7 is not withdrawn, don't have a maximum term of 6 years, it needs to be longer.	Reject

Rule 10A.3.1.1(i)	064	71064	71064.04		Grape Vision Limited	Oppose	Alternative solutions, including the appointment of a government appointed commissioner to take control of the ORC and through proper planning and governance create an appropriate solution to the challenges presented by this process have not been properly considered and they should be. An interim extension of all permits to enable the necessary changes to occur at the ORC is an alternative that should be properly explored and would provide water users with the opportunity to contribute to achieving the objectives of efficient and effective water use.	Reject
Rule 10A.3.1.1(i)	065	71065	71065.03		Concept Farms Limited	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(i)	067	71067	71067.03		Stonehenge Limited	Oppose	Amend this rule as the consent duration sought is no more than 6 years.	Reject
Rule 10A.3.1.1(i)	068	71068	71068.06		Dairy Farms Partnership	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(i)	069	71069	71069.06		Molyneux Farm Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Clutha catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(i)	070	71070	71070.03		Maniototo Irrigation Company	Oppose	The Maniototo Irrigation Company (MIC) oppose all of Plan Change 7. MIC want the Plan Change to be removed and the remaining water permits that expire before the reviewed Regional Plan Water for Otago (RPW or Water Plan) is operative processed under the current Water Plan. If the whole of PC7 is not withdrawn, then the Upper Taieri Catchment should be excluded from PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(i)	071	71071	71071.04		Long Gully Water Race Society	Oppose	PC7 is unnecessary. The existing Otago Regional Council plan allows deemed permits to be replaced in a way that does not result in the unsustainable allocation of freshwater.	Reject
Rule 10A.3.1.1(i)	074	71074	71074.05		Terry Cooke for TJ&J Cooke	Not stated	No specific decision sought.	Reject

Rule 10A.3.1.1(i)	075	71075	71075.04		R.J. Morgan and Co	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is not withdrawn, the submitter seeks the urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Rule 10A.3.1.1(i)	076	71076	71076.03		Prospect Farm	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(i)	077	71077	71077.03		Michelle and Stephen Holland	Oppose	PC7 should not apply in the Strath Taieri, permits can continue to be issued under the current plan.	Reject
Rule 10A.3.1.1(i)	079	71079	71079.04		En Hakkore Partnership	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(i)	081	71081	71081.03		JIT Hillend Investments Ltd	Oppose	Opposes the entire PC7, seeks that council processes replacement deemed permits under the current operative water plan (with amendments if necessary). ORC need to amend (if necessary) the current operative water plan to allow for replacement of deemed permits to be issued for a full 35 year term.	Reject
Rule 10A.3.1.1(i)	082	71082	71082.04		GlenAyr Ltd	Oppose	Every case should be on its own merits. Those applicants such as ourselves who are prepared to present a comprehensive application that improves the status quo at considerable capital expense should be rewarded with certainty of tenure to enable financing. PC7 should be amended to recognise water sharing and catchment groups. There should not be a requirement to not increase the area irrigated as water users should benefit from using best practice and technology to make their water go further. Proposed water use and application method should be considered in tandem with historic water use.	Accept in part
Rule 10A.3.1.1(i)	083	71083	71083.04		Puketoi Farming Company	Not stated	Not stated.	Reject
Rule 10A.3.1.1(i)	084	71084	71084.05		Maniototo West Side Irrigation Company Ltd	Oppose	Council to proceed with applications under the existing plan where minimum flows are in place and council to issue interim consents where there is no established minimum flow to allow the status quo until this has been remedied. This will mean using the best information available in a non-notified process and any documents and information used should be retained for use in subsequent longer term applications.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(i)	085	71085	71085.04		Robin Dicey	Oppose	PC7 is unnecessary. The existing Otago Regional Council plan allows deemed permits to be replaced in a way that does not result in the unsustainable allocation of freshwater.	Reject
Rule 10A.3.1.1(i)	087	71087	71087.03		Job and Jane Withers, Cardrona water users group incorporated	Oppose	Council should process replacement deemed permits under the current operative water plan (with amendments if necessary) for a full 35 year term.	Reject
Rule 10A.3.1.1(i)	088	71088	71088.03		MP3 Limited	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject

Rule 10A.3.1.1(i)	089	71089	71089.03		CP and DE Mulholland	Oppose	Minimum of 15 years for permits.	Reject
Rule 10A.3.1.1(i)	090	71090	71090.03		Tim O'Sullivan	Oppose	From a regulatory point of the view the same outcome can be achieved by adding/amending conditions within the consent to ensure efficient use and also you need to accept that a consent can be revoked at any so why is there the need to slap a 6 year expiry on it also.	Reject
Rule 10A.3.1.1(i)	092	71092	71092.05		Lauder Water Users Group	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(i)	093	71093	71093.03		John Armstrong Partnership	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(i)	094	71094	71094.05		Manuherikia Irrigation Co-operative Society Limited ("MICSL")	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(i)	096	71096	71096.03		Craig Gordon Webster	Oppose	Future technology will see the better and more efficient use of irrigation water which should mean water can go further and cover an increased area. Why restrict that if it is better in every way?	Accept in part
Rule 10A.3.1.1(i)	098	71098	71098.03		Derek and Margaret Jones	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is not withdrawn, submitter seeks the urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessment. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Rule 10A.3.1.1(i)	099	71099	71099.04		Two Farmers Farming Ltd	Oppose	If PC7 is not withdrawn, submitter seeks the urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessment. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Rule 10A.3.1.1(i)	100	71100	71100.04		DB & JWS Kinney Trust	Oppose	Wishes to see the whole of PC7 withdrawn and process further deemed permits and other water permit applications under the current Plan until the LWRP becomes operative.	Reject
Rule 10A.3.1.1(i)	102	71102	71102.03		Strath Clyde Water Limited	Oppose	Not stated.	Reject
Rule 10A.3.1.1(i)	107	71107	71107.05		Coal Creek Water Users Group	Oppose	Abandon Plan Change 7, continue with the current water plan that we consider “fit for purpose”. OR Amend the RMA to extend the October 2021 deadline to 2025 that will co-incide with the national water strategy. By then ORC should have themselves organised with the new NPS based water plan. This would not be a waste of parliamentary time compared to the wasted time and effort by irrigators and ORC.	Reject
Rule 10A.3.1.1(i)	108	71108	71108.03		Hopehill Farm	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(i)	110	71110	71110.04		Hamilton Runs Limited	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject

Rule 10A.3.1.1(i)	112	71112	71112.04		Hawksburn Station	Oppose	Wishes to see the whole of PC7 withdrawn and process water permits under the current plan's rules and policies.	Reject
Rule 10A.3.1.1(i)	113	71113	71113.04		Bannockburn Water Race Society Inc	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is not withdrawn, the submitter wishes a permitted activity be used to simply roll over permits without any changes until such time as ORC's LWRP becomes operative.	Reject
Rule 10A.3.1.1(i)	115	71115	71115.05		Mt Pisa Station Holdings	Oppose	If PC7 is not withdrawn, the submitter seeks that the term be extended to at least 25 years.	Reject
Rule 10A.3.1.1(i)	116	71116	71116.04		Carrick Irrigation Co Ltd	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process the permits under the current plan. If the whole PC7 is not withdrawn, then the submitter wishes that a permitted activity rule is established that enables the permits to roll over as is without any change.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(i)	117	71117	71117.03		Appin Farms Ltd	Oppose	Wishes to see the whole of PC7 withdrawn and develop a river relevant plan specific to individual rivers and the users needs. A far more practical and equitable approach would be to assess all catchments and look at their current and individual characteristics i.e. minimal flow criteria in place, river health etc.	Reject
Rule 10A.3.1.1(i)	121	71121	71121.03		Mount Dunstan Estates Ltd	Oppose	Not stated.	Reject
Rule 10A.3.1.1(i)	122	71122	71122.03		Enfield Limited	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative.	Reject
Rule 10A.3.1.1(i)	126	71126	71126.03		B J Graham trust no.1	Oppose	Wishes to see the whole of PC7 withdrawn and if that doesn’t happen then the Strath Taieri should not be included in the Plan Change.	Reject
Rule 10A.3.1.1(i)	128	71128	71128.03		Kye Farming Ltd	Oppose	Wishes to see the whole of PC7 withdrawn or undertake urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7	Reject

Rule 10A.3.1.1(i)	129	71129	71129.05		Pisa Holdings Limited, Rockburn Wines Limited, Mark II Limited, Chard Farm Trustees Limited, Albany Heights Limited, Stuart Douglas Hawker & Phillippa Mary Hawker (Shareholders in Deemed Permit 95789)	Oppose	Wishes to see the whole of PC7 withdrawn OR Amend PC7 as follows: 1. Provide for existing activities to continue as permitted activities on the same terms and conditions as they are currently issued, including current statutory entitlements, until the new Land and Water Plan is operative. As an alternative, provide for such activities to be re-consented as controlled activities on the same terms and conditions, including statutory entitlements, until the Land and Water Plan is operative; 7. Allow consent duration to be considered on its own merits in each case; 8. Amend to improve drafting and clarify relationships between provisions; 9. Make all such other changes and grant such other, further and alternative relief necessary to give effect to the reasons for this submission.	Accept in part
Rule 10A.3.1.1(i)	130	71130	71130.04		Manuherikia Catchment Group	Oppose	Wishes to see the whole of PC7 withdrawn. We seek the urgent but robust completion of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Rule 10A.3.1.1(i)	132	71132	71132.03		Wataieri Holdings Limited	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative.	Reject
Rule 10A.3.1.1(i)	135	71135	71135.07		Lindis Peaks Farming Limited ("Lindis Peaks")	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/MataAu River should not be included as the Clutha/Mata-Au is not fully allocated.	Reject
Rule 10A.3.1.1(i)	138	71138	71138.04		Phada Industries Ltd	Oppose	Wishes to see the whole of PC7 withdrawn, OR amended to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject

Rule 10A.3.1.1(i)	140	71140	71140.03		Mount Earnslaw Station	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(i)	141	71141	71141.03		Littlebrook Farm Limited	Not stated	ORC needs to reject the proposed change and continue with the process as is and if the timeline cannot be achieved then existing rights prevail until such time the existing process is concluded, which is how most, if not all Resource Consents operate.	Reject
Rule 10A.3.1.1(i)	142	71142	71142.03		Earl and Bernadine Attfield on behalf of The Waikerikeri Creek all water users group	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(i)	145	71145	71145.04		Knapdale Farms Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Rule 10A.3.1.1(i)	146	71146	71146.03		Queensbury Ridges Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Rule 10A.3.1.1(i)	147	71147	71147.03		Barley Station (Glencoe) Trust	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(i)	148	71148	71148.03		Ian Bathgate	Oppose	Wishes to see the Plan Change to be declined and removed. PC7 will undermine and stall any environmental and economic gains or opportunities for the Upper and Strath Taieri regions for at least the next decade.	Reject

Rule 10A.3.1.1(i)	149	71149	71149.06		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Forest & Bird is strongly supportive of the limited duration of 6 years and would agree to a small extension beyond that through a non complying activity classification out to 2030 but not beyond this date.	Accept in part
				FS715	Trustpower Limited	Oppose		Reject
				FS706	Horticulture New Zealand	Oppose		Reject
				FS714	Aukaha Ltd	Support		Accept in part
Rule 10A.3.1.1(i)	150	71150	71150.03		Christopher McNally & Vanessa Jane May	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Rule 10A.3.1.1(i)	153	71153	71153.03		Christopher James Duncan	Oppose	Seeks the rejection of PC7 entirely. Seeks the completion of the limit setting plan change for the Manuherikia catchment, including both the minimum flows and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact of assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Rule 10A.3.1.1(i)	154	71154	71154.03		Avonrath Ltd (Farm)	Not stated	Status quo is the only option for our area. PC 7 should be abolished.	Reject
Rule 10A.3.1.1(i)	155	71155	71155.04		Isabella May Anderson	Oppose	The ORC should remove PC7 completely. If the plan is not removed entirely then the submitter would support the options outlined in OWRUG submission to amend the current framework for permit renewal.	Reject
Rule 10A.3.1.1(i)	156	71156	71156.03		R W Naylor	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(i)	157	71157	71157.03		Kyeburn Catchment Ltd	Not stated	The ORC needs to provide reliable and accurate science to justify the policies they have chosen to promote.	Reject
Rule 10A.3.1.1(i)	158	71158	71158.03		Trade as A W & K L Glassford	Oppose	Wishes to see PC7 removed completely.	Reject
Rule 10A.3.1.1(i)	160	71160	71160.03		Chard Farm Limited	Oppose	Given the COVID-19 driven impacts, and regulatory restrictions on many of our members' businesses, as well as financial pressures, we request a 12 month delay to the process.	Reject
Rule 10A.3.1.1(i)	163	71163	71163.05		Ida Valley Irrigation Company Limited	Oppose	To revoke in its entirety Plan Change 7 and to have water permit/consent applications heard and decided under the current planning documentation.	Reject
				FS712	Public Health South	Oppose		Accept

Rule 10A.3.1.1(i)	164	71164	71164.03		Downs Irrigation Settlement	Oppose	1. Seeks that PC7 is declined in its entirety. 2. Seeks the urgent but robust completion of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7. 3. Supports and adopt the submission of the Otago Water Resource Users Group submission on Proposed Plan Change 7, and the submission of the Manuherikia Catchment Group, including the reasons for those submissions and the relief sought in those submissions.	Reject
Rule 10A.3.1.1(i)	166	71166	71166.03		Rothesay Downs	Oppose	Wishes to see the whole PC7 withdrawn.	Reject
Rule 10A.3.1.1(i)	167	71167	71167.07		Billee Patricia Marsh	Support	In all decisions relating to the issuing of Water Permits, the submitter asks Council to: 1) Ensure the protection of natural character and amenity values of our waterways. 2) Retain river flows that are sufficient to maintain their life-supporting capacity for aquatic ecosystems	Reject
				FS714	Aukaha Ltd	Support		Reject
Rule 10A.3.1.1(i)	169	71169	71169.04		Closeburn Station	Oppose	In catchments where minimum flows settings are in place (Taieri) applications for renewal of permits should continue under the existing plan. In catchments where minimum flows have yet to be set, status quo maintained while this work is completed.	Reject
Rule 10A.3.1.1(i)	170	71170	71170.04		McArthur Ridge Vineyard Ltd	Oppose	Resort to principles and policies proposed.	Reject
Rule 10A.3.1.1(i)	173	71173	71173.08		Clutha District Council and Waitaki District Council	Oppose	Amend so that it does not apply to any Schedule 1B or3B water take or any associated water take and to remove reference to "consent duration sought is no more than six years", and alternatively replace with "adoption of a specific PC7 review clause to apply by 31 December 2025 or thereafter".	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support & oppose in part	No exemptions made for community water supply.	Accept
				FS712	Public Health South	Oppose		Accept
				FS701	Dunedin City Council	Support		Reject
				FS714	Aukaha Ltd	Oppose		Accept
Rule 10A.3.1.1(i)	175	71175	71175.03		Hamish Stratford	Oppose	Wishes to see the whole PC7 removed completely.	Reject
Rule 10A.3.1.1(i)	176	71176	71176.03		Galloway Irrigation Society Incorporated	Oppose	Relief Sought: a. We seek that PC7 is declined in its entirety. b. We seek the continuation of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments.	Reject

Rule 10A.3.1.1(i)	179	71179	71179.03		Aotearoa New Zealand Fine Wine Estates Limited Partnership	Oppose	Seeks that PC7 is declined in its entirety.	Reject
Rule 10A.3.1.1(i)	181	71181	71181.04		Arrow Irrigation Company Ltd	Oppose	The decision maker should reject PC7 in its entirety.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(i)	182	71182	71182.04		Strath Taieri Irrigation Company	Oppose	STIC want the Plan Change to be declined. PC7 will undermine and stall any environmental and economic gains or opportunities for the Upper and Strath Taieri regions for at least the next decade. If PC7 is not declined, then the Upper Taieri should not be included in the Plan Change.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(i)	183	71183	71183.04		Aaron Carey	Not stated	Make non consumptive activities like suction dredging as a permitted or controlled activity and increase the consent for these takes longer than 6 years ie 10 to 15 years	Reject
Rule 10A.3.1.1(i)	184	71184	71184.03		Cardrona Distillery Ltd	Oppose	Submitter seeks that PC7 is declined entirely.	Reject
Rule 10A.3.1.1(i)	185	71185	71185.05		Tinwald Farm Holdings Limited	Oppose	Decline PC7 in its entirety. OR Decline PC7 in its entirety and amend existing policies and methods in the Regional Plan: Water for Otago. OR Decline PC7 in its entirety and replaced with simple transitional objectives and policies, implemented by a permitted activity rule, and Supporting methods (see submission for explanation of each of these methods)	Reject
Rule 10A.3.1.1(i)	186	71186	71186.03		Excel Farming Ltd	Oppose	Wishes that the entire PC7 be declined.	Reject
Rule 10A.3.1.1(i)	187	71187	71187.03		Matakanui Station Ltd	Oppose	Decline PC7 entirely; and Complete the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit based on good hydrology ecology information, analysis of reliability of supply, and full cultural, economic and social impact assessments; and Amend PC7 to provide for long term consents of 25 years plus.	Reject
Rule 10A.3.1.1(i)	188	71188	71188.04		Andrew Ritchie	Oppose	Wishes to see ORC scrap PC7 and return to assessing individual or group resource water consents on merit, in a time frame that is more in line with the resources they have available, at very least take option C to allow some longer term certainty for our primary producers. The consultants are doing an excellent job providing the ORC with all the information they require to make reasonable decisions regarding renewal/extension of water permits. If the ORC is unable to achieve this, then outsource the consenting process to expert consultants who can.	Reject
Rule 10A.3.1.1(i)	189	71189	71189.04		Anna Tyrrell	Oppose	Remove the 6 year limit on replacement permits in favour of a longer term, or rollover existing permits as they stand to 31/12/2025 and reassess under the new Regional Land & Water Plan once that is operational.	Reject
Rule 10A.3.1.1(i)	191	71191	71191.03		Run 505	Oppose	Decline PC7.	Reject
Rule 10A.3.1.1(i)	192	71192	71192.03		Millbrook Country Club Limited	Oppose	Decline PC7.	Reject

Rule 10A.3.1.1(i)	193	71193	71193.04		Benjamin Harding Oliver Keenan	Not stated	Provide for non-consumptive takes such as suction gold dredging as a permitted or controlled activity and adopt a sensible term of consent for these takes rather than a blanket 6-year term that is commensurate with the (if any) effects on the environment	Reject
				FS709	Ngai Tahu ki Murihiku	Suppport		Reject
				FS714	Aukaha Ltd	Support in part		Reject
Rule 10A.3.1.1(i)	195	71195	71195.04		Bligh Vergeer	Not stated	Specifically exclude suction dredge mining from 6 year consent length limit.	Reject
Rule 10A.3.1.1(i)	196	71196	71196.03		Airdrie	Oppose	Remove in its entirety	Reject
Rule 10A.3.1.1(i)	199	71199	71199.05		Hiburn Farm and Coburn Partnership	Oppose	Decline PC7	Reject
Rule 10A.3.1.1(i)	201	71201	71201.03		Michael Laws	Oppose	To provide a plan change that properly reflects the recommendations of the Skelton Report, is based upon scientific and hydrology studies, takes cognisance of the socio-economic circumstances of the catchments and districts affected, and provides for long-term consents of 25 years-plus.	Reject
Rule 10A.3.1.1(i)	203	71203	71203.02		Challenge Farm Trusts Partnership	Oppose	That consents are issued for a minimum of 20 years to reflect the investment in infrastructure.	Reject
Rule 10A.3.1.1(i)	206	71206	71206.03		Locharburn Grazing Company	Oppose	Decline PC7	Reject
Rule 10A.3.1.1(i)	207	71207	71207.03		Geoffrey Raymond Dickie and Carol Maree Keen	Oppose	Decline PC7	Reject
Rule 10A.3.1.1(i)	208	71208	71208.03		Almondell Farms Ltd	Oppose	Decline PC7	Reject
Rule 10A.3.1.1(i)	211	71211	71211.03		Kyeburn Catchment Ltd	Oppose	I would like to see plan change 7 changed considerably before it is implemented.	Accept in part
Rule 10A.3.1.1(i)	213	71213	71213.03		Ian and Wendy Ritchie	Oppose	We want the considerable expense we've incurred preparing an application for consent under our current permit conditions to be approved for a period of 15-20 years in line with the capital investment made. We also want the ORC to support Strath Taieri Irrigation operation, to ensure a strong constant flow in the Taieri river, which is good for the river, its habitat, and would be good for the local community/economy i.e. power station, Oceania Gold, and irrigators.	Reject
Rule 10A.3.1.1(i)	214	71214	71214.04		Ian Hewett	Oppose	Amend the policy	Reject
Rule 10A.3.1.1(i)	215	71215	71215.03		Ian Robert Brown	Oppose	Decline PC7	Reject
Rule 10A.3.1.1(i)	216	71216	71216.03		JR Webb & Sons Ltd	Oppose	Decline PC7	Reject
Rule 10A.3.1.1(i)	217	71217	71217.03		The Larches Ltd	Oppose	ORC should allow for replacement deemed permits to be for a full term of 35 years	Reject
Rule 10A.3.1.1(i)	221	71221	71221.03		Stewart Town Vineyard	Oppose	I would like to see the term for permits to be 25 years+	Reject
Rule 10A.3.1.1(i)	232	71232	71232.04		Linnburn Station Ltd	Not stated	Extend permit terms from 6 years, change date ranges and approaches to analysing data out to 30 June 2020 if the data is available	Accept in part
Rule 10A.3.1.1(i)	235	71235	71235.03		Cairnhill	Oppose		Reject
Rule 10A.3.1.1(i)	238	71238	71238.03		Stonehaven Limited	Oppose	I wish to see PC 7 withdrawn	Reject

Rule 10A.3.1.1(i)	251	71251	71251.08		Southern Lakes Holdings Limited	Support	Policy consideration be given to high country operations where national infrastructures are not available to accommodate the level of measurement required	Reject
Rule 10A.3.1.1(i)	252	71252	71252.02		Tony Sewhoy	Oppose	Add the following text to the beginning of the clause (i) 'Except for non-consumptive takes,…'	Reject
				FS714	Aukaha Ltd	Oppose		Accept
Rule 10A.3.1.1(ii)	041	71041	71041.02		Carrick Station and Carrickburn Limited	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
Rule 10A.3.1.1(ii)	149	71149	71149.07		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Delete this condition as it conflicts with the activity description.	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS714	Aukaha Ltd	Support		Reject
Rule 10A.3.1.1(ii)	196	71196	71196.04		Airdrie	Oppose	Remove in its entirety	Reject
Rule 10A.3.1.1(iii)		70055	70055.04		Clachanburn Station	Not stated	Amend by removing restriction on irrigated area	Reject
Rule 10A.3.1.1(iii)	008	71008	71008.05		Marian Elizabeth Weaver	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iii)	010	71010	71010.05		John Patrick and Christine Eleanor Symons	Oppose	The total land area which is to be irrigated should be able to be greater than the area irrigated from 2017 - 2018.	Accept in part
Rule 10A.3.1.1(iii)	011	71011	71011.04		Anne and Laurie McAuley	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iii)	013	71013	71013.05		Lone Star Farms Ltd	Oppose	It is recommended to the Council or the Environment Court to process all Strath Taieri permits through the existing plan rules and policies and refuse all aspects of PC7.	Reject
Rule 10A.3.1.1(iii)	016	71016	71016.06		Gavan James Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Rule 10A.3.1.1(iii)	017	71017	71017.06		Benjamin Patrick Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Rule 10A.3.1.1(iii)	018	71018	71018.06		Duncan Cleugh Farming Trust	Oppose	If the whole PC7 is not withdrawn, delete this clause from the plan change.	Reject
Rule 10A.3.1.1(iii)	022	71022	71022.06		Robert Bruce Allan, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Rule 10A.3.1.1(iii)	023	71023	71023.06		Gavan James Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Rule 10A.3.1.1(iii)	024	71024	71024.06		James Andrew Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Rule 10A.3.1.1(iii)	025	71025	71025.06		Catherine Mary Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Rule 10A.3.1.1(iii)	027	71027	71027.06		James Andrew Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Rule 10A.3.1.1(iii)	028	71028	71028.07		Robert James Stewart Rutherford	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject
Rule 10A.3.1.1(iii)	031	71031	71031.07		Mt Barker Trust	Oppose	The condition relating to total land area irrigated is deleted.	Reject
Rule 10A.3.1.1(iii)	032	71032	71032.06		Orchard Road Holdings Limited	Oppose	The condition relating to total land area irrigated is deleted.	Reject

Rule 10A.3.1.1(iii)	033	71033	71033.03		Nathan David Roberts	Oppose	Disagrees that the irrigation area cannot be bigger than the area irrigated in 2017-18.	Accept in part
Rule 10A.3.1.1(iii)	034	71034	71034.03		Maurice and Shirley Turner	Oppose	Wishes to see the whole of PC7 withdrawn. ORC to roll over all existing permits as they are, till 31st December 2025.	Reject
Rule 10A.3.1.1(iii)	036	71036	71036.06		MD and DG Jones Family Trust	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
Rule 10A.3.1.1(iii)	037	71037	71037.06		Harold Kruse Davidson	Oppose	Wishes to see the whole of PC7 withdrawn. The water take is sufficient to dictate the area irrigated.	Reject
Rule 10A.3.1.1(iii)	039	71039	71039.03		Richard Clark	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
Rule 10A.3.1.1(iii)	050	71050	71050.04		Kawarau Station Limited	Oppose	Wishes PC7 be removed from Council and for the current plan to be used to process any further water permit applications.	Reject
Rule 10A.3.1.1(iii)	052	71052	71052.02		Cadrona Water Users Incorporated	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iii)	053	71053	71053.04		MFS Ventures Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Kakanui and Waianakarua catchments be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(iii)	057	71057	71057.06		Alistair and Barbara Groundwater	Oppose	Wishes to see the whole of PC7 withdrawn. The Otago Reginal Council (ORC) can process water permit applications under the existing plan and does not need to establish an interim planning framework. A minimum consent length of 25yrs would be required to allow the Bank to provide development funding for the industry.	Reject
Rule 10A.3.1.1(iii)	060	71060	71060.04		Hawkdun Idaburn Irrigation Co	Oppose	If the whole PC7 is not withdrawn, the submitter requests that this clause be removed.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(iii)	061	71061	71061.05		Beggs Creek Station	Oppose	Wishes to see the whole of PC7 withdrawn, and water permit applications should be processed under the existing framework. A minimum consent length of 25 years would be required to allow the Bank to provide development funding for the industry.	Reject
Rule 10A.3.1.1(iii)	062	71062	71062.05		Thomas Matthew Moran and Jo Anne Elizabeth Moran	Oppose	The submitter wants to see the status quo remain until such a time as work is completed and minimum flows are established.	Reject
Rule 10A.3.1.1(iii)	063	71063	71063.06		Hamilton Dairy Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to maximum irrigated area be removed.	Reject

Rule 10A.3.1.1(iii)	064	71064	71064.05		Grape Vision Limited	Oppose	Alternative solutions, including the appointment of a government appointed commissioner to take control of the ORC and through proper planning and governance create an appropriate solution to the challenges presented by this process have not been properly considered and they should be. An interim extension of all permits to enable the necessary changes to occur at the ORC is an alternative that should be properly explored and would provide water users with the opportunity to contribute to achieving the objectives of efficient and effective water use.	Reject
Rule 10A.3.1.1(iii)	067	71067	71067.04		Stonehenge Limited	Oppose	Any reference or restriction on irrigated area should be removed from PC7.	Reject
Rule 10A.3.1.1(iii)	068	71068	71068.07		Dairy Farms Partnership	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(iii)	069	71069	71069.07		Molyneux Farm Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Clutha catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(iii)	070	71070	71070.04		Maniototo Irrigation Company	Oppose	The Maniototo Irrigation Company (MIC) oppose all of Plan Change 7. MIC want the Plan Change to be removed and the remaining water permits that expire before the reviewed Regional Plan Water for Otago (RPW or Water Plan) is operative processed under the current Water Plan. If the whole of PC7 is not withdrawn, then the Upper Taieri Catchment should be excluded from PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(iii)	071	71071	71071.05		Long Gully Water Race Society	Oppose	PC7 is unnecessary. The existing Otago Regional Council plan allows deemed permits to be replaced in a way that does not result in the unsustainable allocation of freshwater.	Reject
Rule 10A.3.1.1(iii)	072	71072	71072.03		David Ronald Hill and Susan Ann Hill	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iii)	077	71077	71077.04		Michelle and Stephen Holland	Oppose	PC7 should not apply in the Strath Taieri, permits can continue to be issued under the current plan.	Reject
Rule 10A.3.1.1(iii)	079	71079	71079.05		En Hakkore Partnership	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iii)	083	71083	71083.05		Puketoi Farming Company	Not stated	Any reference or restriction on irrigated area should be removed from PC7.	Reject
Rule 10A.3.1.1(iii)	084	71084	71084.06		Maniototo West Side Irrigation Company Ltd	Oppose	Reference to the size of the irrigated area to be removed from the proposed plan change.	Reject
Rule 10A.3.1.1(iii)	085	71085	71085.05		Robin Dicey	Oppose	PC7 is unnecessary. The existing Otago Regional Council plan allows deemed permits to be replaced in a way that does not result in the unsustainable allocation of freshwater.	Reject

Rule 10A.3.1.1(iii)	088	71088	71088.04		MP3 Limited	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iii)	089	71089	71089.04		CP and DE Mulholland	Oppose	Should be able to increase the total land area under irrigation without actually increasing negative environmental consequences.	Accept in part
Rule 10A.3.1.1(iii)	090	71090	71090.04		Tim O'Sullivan	Oppose	Prior to development at Lowburn which involved pulling out the border-dyke system we irrigated 70ha and applied an excess of 1000mm/yr. Why would you penalise me for introducing a new system which would see micro spray irrigation over a larger area. Due to the low infiltration rate of such system this should be promoted for the following reasons: no run off, reduced leaching, an increased irrigable area, no additional use in overall water consumption, and a far more productive crop not only for the community but for the wider nation.	Reject
Rule 10A.3.1.1(iii)	091	71091	71091.03		Kenneth Allan Fergusson	Oppose	Wishes to see the whole of PC7 withdrawn and create a plan that takes into account specific catchments and their own issues relating to that catchment. For example; whether a river already has a working minimum flow, general river and environment health in regards to nutrient levels etc.	Reject
Rule 10A.3.1.1(iii)	092	71092	71092.06		Lauder Water Users Group	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iii)	093	71093	71093.04		John Armstrong Partnership	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iii)	094	71094	71094.06		Manuherikia Irrigation Co-operative Society Limited ("MICSL")	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
				FS712	Public Health South	oppose		Accept
Rule 10A.3.1.1(iii)	095	71095	71095.02		David John Shepherd	Oppose	Request to see it deleted and that any rules contingent upon the draft policy clause are adjusted accordingly.	Reject
Rule 10A.3.1.1(iii)	096	71096	71096.04		Craig Gordon Webster	Oppose	Not stated.	Reject
Rule 10A.3.1.1(iii)	097	71097	71097.02		Charcoal Gully Estate Ltd	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iii)	099	71099	71099.05		Two Farmers Farming Ltd	Oppose	If PC7 is not withdrawn, submitter seeks the urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessment. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Rule 10A.3.1.1(iii)	100	71100	71100.05		DB & JWS Kinney Trust	Oppose	Wishes to see the whole of PC7 withdrawn and process further deemed permits and other water permit applications under the current Plan until the LWRP becomes operative.	Reject
Rule 10A.3.1.1(iii)	107	71107	71107.06		Coal Creek Water Users Group	Oppose	Abandon Plan Change 7, continue with the current water plan that we consider “fit for purpose”. OR Amend the RMA to extend the October 2021 deadline to 2025 that will co-incide with the national water strategy. By then ORC should have themselves organised with the new NPS based water plan. This would not be a waste of parliamentary time compared to the wasted time and effort by irrigators and ORC.	Reject

Rule 10A.3.1.1(iii)	110	71110	71110.05		Hamilton Runs Limited	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iii)	114	71114	71114.03		Richard Tamblyn	Oppose	If the whole PC7 is not withdrawn, this provision should be removed.	Reject
Rule 10A.3.1.1(iii)	115	71115	71115.06		Mt Pisa Station Holdings	Oppose	If PC7 is not withdrawn, then new irrigated areas be extended out to a much greater area without requiring resource consent.	Reject
Rule 10A.3.1.1(iii)	116	71116	71116.05		Carrick Irrigation Co Ltd	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process the permits under the current plan. If the whole PC7 is not withdrawn, then the submitter wishes that a permitted activity rule is established that enables the permits to roll over as is without any change.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(iii)	122	71122	71122.04		Enfield Limited	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative.	Reject
Rule 10A.3.1.1(iii)	129	71129	71129.06		Pisa Holdings Limited, Rockburn Wines Limited, Mark II Limited, Chard Farm Trustees Limited, Albany Heights Limited, Stuart Douglas Hawker & Phillippa Mary Hawker (Shareholders in Deemed Permit 95789)	Oppose	Wishes to see the whole of PC7 withdrawn OR Amend PC7 as follows: 1. Provide for existing activities to continue as permitted activities on the same terms and conditions as they are currently issued, including current statutory entitlements, until the new Land and Water Plan is operative. As an alternative, provide for such activities to be re-consented as controlled activities on the same terms and conditions, including statutory entitlements, until the Land and Water Plan is operative; 4. Remove the restrictions on irrigable areas and the requirement to reduce allocation; 8. Amend to improve drafting and clarify relationships between provisions; 9. Make all such other changes and grant such other, further and alternative relief necessary to give effect to the reasons for this submission.	Accept in part
Rule 10A.3.1.1(iii)	132	71132	71132.04		Wataieri Holdings Limited	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative.	Reject
Rule 10A.3.1.1(iii)	135	71135	71135.08		Lindis Peaks Farming Limited ("Lindis Peaks")	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/MataAu River should not be included as the Clutha/Mata-Au is not fully allocated.	Reject

Rule 10A.3.1.1(iii)	137	71137	71137.09		Omakau Area Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR undertake urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(iii)	138	71138	71138.05		Phada Industries Ltd	Oppose	Wishes to see the whole of PC7 withdrawn, OR amended to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(iii)	142	71142	71142.04		Earl and Bernadine Attfield on behalf of The Waikerikeri Creek all water users group	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(iii)	144	71144	71144.02		The Burn Limited	Oppose	Continue to process permits under the existing plan.	Reject
Rule 10A.3.1.1(iii)	145	71145	71145.05		Knapdale Farms Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Rule 10A.3.1.1(iii)	147	71147	71147.04		Barley Station (Glencoe) Trust	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(iii)	149	71149	71149.08		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Retain this condition.	Accept in part
				FS715	Trustpower Limited	Oppose		Reject
				FS714	Aukaha Ltd	Support		Accept in part

Rule 10A.3.1.1(iii)	150	71150	71150.04		Christopher McNally & Vanessa Jane May	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Rule 10A.3.1.1(iii)	155	71155	71155.05		Isabella May Anderson	Oppose	The ORC should remove PC7 completely. If the plan is not removed entirely then the submitter would support the options outlined in OWRUG submission to amend the current framework for permit renewal.	Reject
Rule 10A.3.1.1(iii)	156	71156	71156.04		R W Naylor	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(iii)	157	71157	71157.04		Kyeburn Catchment Ltd	Not stated	The ORC needs to provide reliable and accurate science to justify the policies they have chosen to promote.	Reject
Rule 10A.3.1.1(iii)	158	71158	71158.04		Trade as A W & K L Glassford	Oppose	Wishes to see PC7 removed completely.	Reject
Rule 10A.3.1.1(iii)	160	71160	71160.04		Chard Farm Limited	Oppose	Given the COVID-19 driven impacts, and regulatory restrictions on many of our members' businesses, as well as financial pressures, we request a 12 month delay to the process.	Reject
Rule 10A.3.1.1(iii)	163	71163	71163.06		Ida Valley Irrigation Company Limited	Oppose	To revoke in its entirety Plan Change 7 and to have water permit/consent applications heard and decided under the current planning documentation.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(iii)	176	71167	71167.07		Galloway Irrigation Society Incorporated	Oppose	Relief Sought: a. We seek that PC7 is declined in its entirety. b. We seek the continuation of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments.	Reject
Rule 10A.3.1.1(iii)	170	71170	71170.05		McArthur Ridge Vineyard Ltd	Oppose	Resort to principles and policies proposed.	Reject
Rule 10A.3.1.1(iii)	173	71173	71173.09		Clutha District Council and Waitaki District Council	Oppose	Remove reference to land area under irrigation.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support & oppose in part	No exemptions made for community water supply.	Accept
				FS714	Aukaha Ltd	Oppose		Accept

Rule 10A.3.1.1(iii)	178	71178	71178.06		Central Otago District Council	Oppose	Provide greater flexibility in the land eligible for irrigation under the interim permits. This could be by extending the timeframe beyond 2017-18 for a two or three year period.	Accept in part
Rule 10A.3.1.1(iii)	179	71179	71179.04		Aotearoa New Zealand Fine Wine Estates Limited Partnership	Oppose	Seeks that PC7 is declined in its entirety.	Reject
Rule 10A.3.1.1(iii)	182	71182	71182.05		Strath Taieri Irrigation Company	Oppose	STIC want the Plan Change to be declined. PC7 will undermine and stall any environmental and economic gains or opportunities for the Upper and Strath Taieri regions for at least the next decade. If PC7 is not declined, then the Upper Taieri should not be included in the Plan Change.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(iii)	185	71185	71185.06		Tinwald Farm Holdings Limited	Oppose	Decline PC7 in its entirety. OR Decline PC7 in its entirety and amend existing policies and methods in the Regional Plan: Water for Otago. OR Decline PC7 in its entirety and replaced with simple transitional objectives and policies, implemented by a permitted activity rule, and Supporting methods (see submission for explanation of each of these methods)	Reject
Rule 10A.3.1.1(iii)	186	71186	71186.04		Excel Farming Ltd	Oppose	Wishes that the entire PC7 be declined.	Reject
Rule 10A.3.1.1(iii)	187	71187	71187.04		Matakanui Station Ltd	Oppose	Decline PC7 entirely; and Complete the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit based on good hydrology ecology information, analysis of reliability of supply, and full cultural, economic and social impact assessments; and Amend PC7 to provide for long term consents of 25 years plus.	Reject
Rule 10A.3.1.1(iii)	189	71189	71189.05		Anna Tyrrell	Oppose	Remove the restriction on area permitted to be irrigated.	accept in part
Rule 10A.3.1.1(iii)	192	71192	71192.04		Millbrook Country Club Limited	Oppose	Decline PC7.	Reject
Rule 10A.3.1.1(iii)	196	71196	71196.05		Airdrie	Oppose	Remove in its entirety	Reject
Rule 10A.3.1.1(iii)	199	71199	71199.06		Hiburn Farm and Coburn Partnership	Oppose	Decline PC7	Reject
Rule 10A.3.1.1(iii)	207	71207	71207.04		Geoffrey Raymond Dickie and Carol Maree Keen	Oppose	Decline PC7	Reject
Rule 10A.3.1.1(iii)	214	71214	71214.05		Ian Hewett	Oppose		Accept in part
Rule 10A.3.1.1(iii)	231	71231	71231.02		Glenshee Station Ltd Cornaig Farms Ltd Gidding Downs	Oppose	We ask that PC7 be removed	Reject
Rule 10A.3.1.1(iii)	232	71232	71232.05		Linnburn Station Ltd	Not stated	Extend permit terms from 6 years, change date ranges and approaches to analysing data out to 30 June 2020 if the data is available	Accept in part
Rule 10A.3.1.1(iii)	236	71236	71236.03		Avalon Station Ltd	Oppose	To not proceed with PC7	Reject
Rule 10A.3.1.1(iii)	238	71238	71238.04		Stonehaven Limited	Oppose	I wish to see PC 7 withdrawn	Reject

Rule 10A.3.1.1(iii)	240	71240	71240.04		Wakefield Estates Limited	Oppose	I would like to see new water permits issued for 35 year terms where there is clear evidence provided that effects on other parties are minimal Allowance for new irrigable areas within new permit limits Review rules around bore takes around Lake Dunstan as the rules outside 100m are too restrictive	Accept in part
Rule 10A.3.1.1(iii)	242	71242	71242.04		Blackstone Irrigation Company	Oppose	Decline the whole of PC7	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(iii)	247	71247	71247.03		Coburns Partnership	Oppose	The ORC should throw out Plan Change 7	Reject
Rule 10A.3.1.1(iii)	253	71253	71253.04		Tony Strain	Oppose	Withdraw Plan Change 7	Reject
Rule 10A.3.1.1(iv)		70055	70055.05		Clachanburn Station	Not stated	Amend by removing rules and methodology for calculated rate of take from Plan Change 7	Reject
Rule 10A.3.1.1(iv)		70055	70055.06		Clachanburn Station	Not stated	Amend by removing rules and methodology for calculated rate of take from Plan Change 7	Reject
Rule 10A.3.1.1(iv)	001	71001	71001.01		Waihemo Downs Ltd	Oppose	Provide for water take permits to be renewed in their current form, to allow investment in more efficient water use application methods and monitoring, and to justify the investment in more water storage	Reject
Rule 10A.3.1.1(iv)	008	71008	71008.06		Marian Elizabeth Weaver	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iv)	012	71012	71012.04		Donald Young	Oppose	Wishes to see the whole of PC7 withdrawn. If it can't be withdrawn it must be amended so that permits can be replaced under the existing water plan rules and policies.	Reject
Rule 10A.3.1.1(iv)	013	71013	71013.06		Lone Star Farms Ltd	Oppose	It is recommended to the Council or the Environment Court to process all Strath Taieri permits through the existing plan rules and policies and refuse all aspects of PC7.	Reject
Rule 10A.3.1.1(iv)	016	71016	71016.07		Gavan James Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to rate of take/volumes be totally rewritten.	Accept in part
Rule 10A.3.1.1(iv)	017	71017	71017.07		Benjamin Patrick Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to rate of take/volumes be totally rewritten.	Accept in part
Rule 10A.3.1.1(iv)	022	71022	71022.07		Robert Bruce Allan, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to rate of take/volumes be totally rewritten.	Accept in part
Rule 10A.3.1.1(iv)	023	71023	71023.07		Gavan James Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to rate of take/volumes be totally rewritten.	Accept in part
Rule 10A.3.1.1(iv)	024	71024	71024.07		James Andrew Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to rate of take/volumes be totally rewritten.	Accept in part
Rule 10A.3.1.1(iv)	025	71025	71025.07		Catherine Mary Herlihy, Greenbank Pastoral Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to rate of take/volumes be totally rewritten.	Accept in part
Rule 10A.3.1.1(iv)	027	71027	71027.07		James Andrew Herlihy, Hamiltons Dairy Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to rate of take/volumes be totally rewritten.	Accept in part
Rule 10A.3.1.1(iv)	028	71028	71028.08		Robert James Stewart Rutherford	Oppose	If the whole PC7 is not withdrawn, then remove the limitation of data collection from 1st July 2012 to 30th June 2017.	Accept in part

Rule 10A.3.1.1(iv)	029	71029	71029.05		Cherri Global Limited	Oppose	Wishes to see the whole of PC7 withdrawn. Using the water take information for years 2017 and earlier does not accurately reflect the submitters use over time as they took over the company and consents in 2017 and the operation has changed since then.	Accept in part
Rule 10A.3.1.1(iv)	047	71047	71047.02		Duncan George Henderson and Rae Henderson	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
Rule 10A.3.1.1(iv)	048	71048	71048.02		Jacqueline Fay and Kerry William Chittock	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iv)	053	71053	71053.05		MFS Ventures Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Kakanui and Waianakarua catchments be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(iv)	054	71054	71054.05		Terra Sancta Limited	Oppose	Given the COVID- driven impacts, and regulatory restrictions and the massive financial pressures the submitter presently face as a consequence, they request that this process be pushed back at least a year.	Reject
Rule 10A.3.1.1(iv)	055	71055	71055.05		Amisfield LP	Oppose	As per the 3 options put forth by OWRUG	Reject
Rule 10A.3.1.1(iv)	056	71056	71056.05		Central Otago Winegrowers Association	Oppose	Given the COVID-driven impacts, and regulatory restrictions on many of our members' businesses, as well as financial pressures, we request a 12 month delay to the process.	Reject
Rule 10A.3.1.1(iv)	057	71057	71057.07		Alistair and Barbara Groundwater	Oppose	Wishes to see the whole of PC7 withdrawn. The Otago Reginal Council (ORC) can process water permit applications under the existing plan and does not need to establish an interim planning framework. A minimum consent length of 25yrs would be required to allow the Bank to provide development funding for the industry.	Reject
Rule 10A.3.1.1(iv)	058	71058	71058.05		Bradley and Kirsten McEwan	Oppose	Wishes to see the whole of PC7 withdrawn. A minimum consent length of 25yrs would be required to allow the Bank to provide development funding for the industry.	Reject
Rule 10A.3.1.1(iv)	059	71059	71059.02		Maori Point Vineyard Ltd	Not stated	Withdraw PC7 and replace this with a new policy based on 1) water availability in each specific sub-region or catchment area, and 2) the demonstrated justification for the proposed water usage.	Reject
Rule 10A.3.1.1(iv)	060	71060	71060.05		Hawkdun Idaburn Irrigation Co	Oppose	If the whole PC7 is not withdrawn, the submitter requests that this clause be removed.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(iv)	061	71061	71061.06		Beggs Creek Station	Oppose	Wishes to see the whole of PC7 withdrawn, and water permit applications should be processed under the existing framework. A minimum consent length of 25 years would be required to allow the Bank to provide development funding for the industry.	Reject

Rule 10A.3.1.1(iv)	062	71062	71062.06		Thomas Matthew Moran and Jo Anne Elizabeth Moran	Oppose	The submitter wants to see the status quo remain until such a time as work is completed and minimum flows are established.	Reject
Rule 10A.3.1.1(iv)	063	71063	71063.07		Hamilton Dairy Ltd	Oppose	If the whole PC7 is not withdrawn then the section relating to rate of take/volumes be totally rewritten.	Accept in part
Rule 10A.3.1.1(iv)	064	71064	71064.06		Grape Vision Limited	Oppose	Alternative solutions, including the appointment of a government appointed commissioner to take control of the ORC and through proper planning and governance create an appropriate solution to the challenges presented by this process have not been properly considered and they should be. An interim extension of all permits to enable the necessary changes to occur at the ORC is an alternative that should be properly explored and would provide water users with the opportunity to contribute to achieving the objectives of efficient and effective water use.	Reject
Rule 10A.3.1.1(iv)	065	71065	71065.04		Concept Farms Limited	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(iv)	066	71066	71066.02		Patearoa Station Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, the submitter seeks that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(iv)	067	71067	71067.05		Stonehenge Limited	Oppose	The council should issue these short-term consents with the lowest cost possible or at the full cost of the ORC using the best information available. Reduction in volume of water allocated for extraction, should be linked to established or future established minimum flows and not done in the absence of minimum flows.	Reject
Rule 10A.3.1.1(iv)	067	71067	71067.06		Stonehenge Limited	Oppose	The council should issue these short-term consents with the lowest cost possible or at the full cost of the ORC using the best information available. Reduction in volume of water allocated for extraction, should be linked to established or future established minimum flows and not done in the absence of minimum flows.	Reject
Rule 10A.3.1.1(iv)	068	71068	71068.08		Dairy Farms Partnership	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject

Rule 10A.3.1.1(iv)	069	71069	71069.08		Molyneux Farm Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Clutha catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(iv)	072	71072	71072.04		David Ronald Hill and Susan Ann Hill	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iv)	074	71074	71074.06		Terry Cooke for TJ&J Cooke	Not stated	No specific decision sought.	Reject
Rule 10A.3.1.1(iv)	077	71077	71077.05		Michelle and Stephen Holland	Oppose	PC7 should not apply in the Strath Taieri, permits can continue to be issued under the current plan.	Reject
Rule 10A.3.1.1(iv)	079	71079	71079.06		En Hakkore Partnership	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iv)	082	71082	71082.05		GlenAyr Ltd	Oppose	Every case should be on its own merits. Those applicants such as ourselves who are prepared to present a comprehensive application that improves the status quo at considerable capital expense should be rewarded with certainty of tenure to enable financing. PC7 should be amended to recognise water sharing and catchment groups. There should not be a requirement to not increase the area irrigated as water users should benefit from using best practice and technology to make their water go further. Proposed water use and application method should be considered in tandem with historic water use.	Reject
Rule 10A.3.1.1(iv)	083	71083	71083.06		Puketoi Farming Company	Not stated	Rules and methodology for calculating rate of take need removed from PC7.	Reject
Rule 10A.3.1.1(iv)	084	71084	71084.07		Maniototo West Side Irrigation Company Ltd	Oppose	Clauses which require a reduction in the size of the allocation should be removed.	Accept in part
Rule 10A.3.1.1(iv)	085	71085	71085.06		Robin Dicey	Oppose	PC7 is unnecessary. The existing Otago Regional Council plan allows deemed permits to be replaced in a way that does not result in the unsustainable allocation of freshwater.	Reject
Rule 10A.3.1.1(iv)	088	71088	71088.05		MP3 Limited	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iv)	089	71089	71089.05		CP and DE Mulholland	Oppose	Rate of take to be taken over a longer/more varied time period.	Accept in part
Rule 10A.3.1.1(iv)	091	71091	71091.04		Kenneth Allan Fergusson	Oppose	Wishes to see the whole of PC7 withdrawn and create a plan that takes into account specific catchments and their own issues relating to that catchment. For example; whether a river already has a working minimum flow, general river and environment health in regards to nutrient levels etc.	Reject
Rule 10A.3.1.1(iv)	092	71092	71092.07		Lauder Water Users Group	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject

Rule 10A.3.1.1(iv)	098	71098	71098.04		Derek and Margaret Jones	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is not withdrawn, submitter seeks the urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessment. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Rule 10A.3.1.1(iv)	100	71100	71100.06		DB & JWS Kinney Trust	Oppose	Wishes to see the whole of PC7 withdrawn and process further deemed permits and other water permit applications under the current Plan until the LWRP becomes operative.	Reject
Rule 10A.3.1.1(iv)	102	71102	71102.05		Strath Clyde Water Limited	Oppose	It would be more transparent, and a better measure, to use present measures and, if reduction is required, to justify that reduction.	Accept in part
Rule 10A.3.1.1(iv)	106	71106	71106.03		Lynne Jennifer Warden	Oppose	Do not reduce any allocation or water volume take from the Adams Gully (Private Race). Submits that the water permits are renewed in their present form.	Reject
Rule 10A.3.1.1(iv)	106	71106	71106.04		Lynne Jennifer Warden	Oppose	Do not reduce any allocation or water volume take from the Adams Gully (Private Race). Submits that the water permits are renewed in their present form.	Reject
Rule 10A.3.1.1(iv)	107	71107	71107.07		Coal Creek Water Users Group	Oppose	Abandon Plan Change 7, continue with the current water plan that we consider “fit for purpose”. OR Amend the RMA to extend the October 2021 deadline to 2025 that will co-incide with the national water strategy. By then ORC should have themselves organised with the new NPS based water plan. This would not be a waste of parliamentary time compared to the wasted time and effort by irrigators and ORC.	Reject
Rule 10A.3.1.1(iv)	110	71110	71110.06		Hamilton Runs Limited	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iv)	114	71114	71114.04		Richard Tamblyn	Oppose	If the whole PC7 is not withdrawn, then this provision should be changed to the average take over the period of time that records are available for.	Accept in part
Rule 10A.3.1.1(iv)	117	71117	71117.04		Appin Farms Ltd	Oppose	Wishes to see the whole of PC7 withdrawn and develop a river relevant plan specific to individual rivers and the users needs. A far more practical and equitable approach would be to assess all catchments and look at their current and individual characteristics i.e. minimal flow criteria in place, river health etc.	Reject
Rule 10A.3.1.1(iv)	121	71121	71121.04		Mount Dunstan Estates Ltd	Oppose	Not stated.	Reject
Rule 10A.3.1.1(iv)	122	71122	71122.05		Enfield Limited	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative.	Reject

Rule 10A.3.1.1(iv)	129	71129	71129.07		Pisa Holdings Limited, Rockburn Wines Limited, Mark II Limited, Chard Farm Trustees Limited, Albany Heights Limited, Stuart Douglas Hawker & Phillippa Mary Hawker (Shareholders in Deemed Permit 95789)	Oppose	Wishes to see the whole of PC7 withdrawn OR Amend PC7 as follows: 1. Provide for existing activities to continue as permitted activities on the same terms and conditions as they are currently issued, including current statutory entitlements, until the new Land and Water Plan is operative. As an alternative, provide for such activities to be re-consented as controlled activities on the same terms and conditions, including statutory entitlements, until the Land and Water Plan is operative; 5. Remove the stipulation for allocation for controlled activities to be derived from 1 July 2012-30 June 2017; 8. Amend to improve drafting and clarify relationships between provisions; 9. Make all such other changes and grant such other, further and alternative relief necessary to give effect to the reasons for this submission.	Accept in part
Rule 10A.3.1.1(iv)	132	71132	71132.05		Wataieri Holdings Limited	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative.	Reject
Rule 10A.3.1.1(iv)	136	71136	71136.05		Lauder Creek Limited – Heckler Family	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(iv)	137	71137	71137.10		Omakau Area Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR undertake urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(iv)	138	71138	71138.06		Phada Industries Ltd	Oppose	Wishes to see the whole of PC7 withdrawn, OR amended to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(iv)	140	71140	71140.04		Mount Earnslaw Station	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject

Rule 10A.3.1.1(iv)	140	71140	71140.05		Mount Earnslaw Station	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(iv)	142	71142	71142.05		Earl and Bernadine Attfield on behalf of The Waikerikeri Creek all water users group	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(iv)	145	71145	71145.06		Knapdale Farms Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Rule 10A.3.1.1(iv)	146	71146	71146.04		Queensbury Ridges Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Rule 10A.3.1.1(iv)	147	71147	71147.05		Barley Station (Glencoe) Trust	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(iv)	148	71148	71148.04		Ian Bathgate	Oppose	Wishes to see the Plan Change to be declined and removed. PC7 will undermine and stall any environmental and economic gains or opportunities for the Upper and Strath Taieri regions for at least the next decade.	Reject

Rule 10A.3.1.1(iv)	150	71150	71150.05		Christopher McNally & Vanessa Jane May	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Rule 10A.3.1.1(iv)	155	71155	71155.06		Isabella May Anderson	Oppose	The ORC should remove PC7 completely. If the plan is not removed entirely then the submitter would support the options outlined in OWRUG submission to amend the current framework for permit renewal.	Reject
Rule 10A.3.1.1(iv)	156	71156	71156.05		R W Naylor	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(iv)	158	71158	71158.05		Trade as A W & K L Glassford	Oppose	Wishes to see PC7 removed completely.	Reject
Rule 10A.3.1.1(iv)	160	71160	71160.05		Chard Farm Limited	Oppose	Given the COVID-19 driven impacts, and regulatory restrictions on many of our members' businesses, as well as financial pressures, we request a 12 month delay to the process.	Reject
Rule 10A.3.1.1(iv)	164	71164	71164.04		Downs Irrigation Settlement	Oppose	1. Seeks that PC7 is declined in its entirety. 2. Seeks the urgent but robust completion of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7. 3. Supports and adopt the submission of the Otago Water Resource Users Group submission on Proposed Plan Change 7, and the submission of the Manuherikia Catchment Group, including the reasons for those submissions and the relief sought in those submissions.	Reject
Rule 10A.3.1.1(iv)	172	71172	71172.03		Ballance Agri-Nutrients Limited	Support in part	Amend PC7 by adopting a 'hold the line' policy.	Accept in part
Rule 10A.3.1.1(iv)	173	71173	71173.10		Clutha District Council and Waitaki District Council	Oppose	Amend to include the rate of take as being the rate taken under the exercise of the current or existing resource consent up to and not exceeding the existing authorised rate of take and remove reference to the methods outlined in Schedule 10A.4.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support & oppose in part	No exemptions made for community water supply.	Reject

				FS714	Aukaha Ltd	Oppose		Accept
Rule 10A.3.1.1(iv)	175	71175	71175.04		Hamish Stratford	Oppose	Wishes to see the whole PC7 removed completely.	Reject
Rule 10A.3.1.1(iv)	176	71176	71176.04		Galloway Irrigation Society Incorporated	Oppose	Relief Sought: a. We seek that PC7 is declined in its entirety. b. We seek the continuation of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments.	Reject
Rule 10A.3.1.1(iv)	178	71178	71178.07		Central Otago District Council	Oppose	More recent datasets should be included in the 5 year period for assessing take limits, so long as there is no evidence of intentional wastage.	Accept
				FS712	Public Health South	Support		Accept in part
Rule 10A.3.1.1(iv)	179	71179	71179.05		Aotearoa New Zealand Fine Wine Estates Limited Partnership	Oppose	Seeks that PC7 is declined in its entirety.	Reject
Rule 10A.3.1.1(iv)	185	71185	71185.07		Tinwald Farm Holdings Limited	Oppose	Decline PC7 in its entirety. OR Decline PC7 in its entirety and amend existing policies and methods in the Regional Plan: Water for Otago. OR Decline PC7 in its entirety and replaced with simple transitional objectives and policies, implemented by a permitted activity rule, and Supporting methods (see submission for explanation of each of these methods)	Reject
Rule 10A.3.1.1(iv)	186	71186	71186.05		Excel Farming Ltd	Oppose	Wishes that the entire PC7 be declined.	Reject
Rule 10A.3.1.1(iv)	187	71187	71187.05		Matakanui Station Ltd	Oppose	Decline PC7 entirely; and Complete the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit based on good hydrology ecology information, analysis of reliability of supply, and full cultural, economic and social impact assessments; and Amend PC7 to provide for long term consents of 25 years plus.	Reject
Rule 10A.3.1.1(iv)	196	71196	71196.06		Airdrie	Oppose	Remove in its entirety	Reject
Rule 10A.3.1.1(iv)	203	71203	71203.03		Challenge Farm Trusts Partnership	Oppose	Instead of the average use, the maximum of the 5 year period be taken into account, or if a farm or consent has changed hands during that period of time then the highest amount used is taken as the baseline figure.	Accept
Rule 10A.3.1.1(iv)	214	71214	71214.06		Ian Hewett	Oppose	Amend the policy	Accept in part
Rule 10A.3.1.1(iv)	216	71216	71216.04		JR Webb & Sons Ltd	Oppose	Decline PC7	Reject
Rule 10A.3.1.1(iv)	218	71218	71218.03		Shag Valley Station	Oppose	That the water permit being replaced should be renewed under its existing conditions including the rate of take, total take and minimum flow cut off levels.	Reject

Rule 10A.3.1.1(iv)	224	71224	71224.01		Layard Estates Ltd The Little Orchard Trust	Oppose	Amend the policy to .... will base allocation on actual water use over the five year period from 2012-2017 for pastoral farming and for horticultural properties over the five year period 2015 - 2020 with the allocation adjusted to take account of the required water usage to produce a commercial crop where: 1) recent horticultural development (redevelopment and new) has resulted in reduced or no water use history over this period. 2) there have been changes to horticultural best practices	Accept in part
Rule 10A.3.1.1(iv)	232	71232	71232.06		Linnburn Station Ltd	Not stated	Extend permit terms from 6 years, change date ranges and approaches to analysing data out to 30 June 2020 if the data is available	Accept in part
Rule 10A.3.1.1(iv)	238	71238	71238.05		Stonehaven Limited	Oppose	I wish to see PC 7 withdrawn	Reject
Rule 10A.3.1.1(iv)	239	71239	71239.03		Ysan Family Trust	Oppose in Part	Amend PC7 to say that current water use data is able to be used in negotiating the new water permits and not reliant on historic data as planned	Accept in part
				FS714	Aukaha Ltd	support		Accept in part
Rule 10A.3.1.1(iv)	240	71240	71240.03		Wakefield Estates Limited	Oppose	I would like to see new water permits issued for 35 year terms where there is clear evidence provided that effects on other parties are minimal Allowance for new irrigable areas within new permit limits Review rules around bore takes around Lake Dunstan as the rules outside 100m are too restrictive	Reject
Rule 10A.3.1.1(iv)	242	71242	71242.03		Blackstone Irrigation Company	Oppose	Decline the whole of PC7	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(iv)	250	71250	71250.03		Omakau Fuel Services	Oppose	Remove Plan Change 7 as it serves no useful purpose for our town, community or business	Reject
Rule 10A.3.1.1(iv)	251	71251	71251.05		Southern Lakes Holdings Limited	Support	Immediate release of or access to specific rules for activities that do not have 5 years of data or do not meet the plan criteria for a short term consent	Accept in part
Rule 10A.3.1.1(iv)	253	71253	71253.03		Tony Strain	Oppose	Withdraw Plan Change 7	Reject
Rule 10A.3.1.1(v)	008	71008	71008.07		Marian Elizabeth Weaver	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(v)	149	71149	71149.09		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Amend condition (v) as follows: "The currently authorised activity includes an ~~Any~~ existing residual flow, minimum flow, or take cessation condition (whichever is applicable) and this is included in the application for resource consent; and"	Accept in part
				FS715	Trustpower Limited	Oppose		Reject
				FS707	Landpro Limited	Oppose		Reject
				FS705	Federated Farmers of New Zealand	Oppose		Reject
				FS714	Aukaha Ltd	Support		Accept in part
Rule 10A.3.1.1(vi)	008	71008	71008.08		Marian Elizabeth Weaver	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(vi)	012	71012	71012.05		Donald Young	Oppose	Wishes to see the whole of PC7 withdrawn. If it can't be withdrawn it must be amended so that permits can be replaced under the existing water plan rules and policies.	Reject

Rule 10A.3.1.1(vi)	028	71028	71028.09		Robert James Stewart Rutherford	Oppose	If the whole PC7 is not withdrawn, then remove the limitation of data collection from 1st July 2012 to 30th June 2017.	Accept in part
Rule 10A.3.1.1(vi)	029	71029	71029.06		Cherri Global Limited	Oppose	Wishes to see the whole of PC7 withdrawn. Using the water take information for years 2017 and earlier does not accurately reflect the submitters use over time as they took over the company and consents in 2017 and the operation has changed since then.	Accept in part
Rule 10A.3.1.1(vi)	039	71039	71039.04		Richard Clark	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
Rule 10A.3.1.1(vi)	047	71047	71047.03		Duncan George Henderson and Rae Henderson	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
Rule 10A.3.1.1(vi)	048	71048	71048.03		Jacqueline Fay and Kerry William Chittock	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(vi)	052	71052	71052.03		Cadrona Water Users Incorporated	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(vi)	053	71053	71053.06		MFS Ventures Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Kakanui and Waianakarua catchments be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(vi)	054	71054	71054.06		Terra Sancta Limited	Oppose	Given the COVID- driven impacts, and regulatory restrictions and the massive financial pressures the submitter presently face as a consequence, they request that this process be pushed back at least a year.	Reject
Rule 10A.3.1.1(vi)	055	71055	71055.06		Amisfield LP	Oppose	As per the 3 options put forth by OWRUG	Reject
Rule 10A.3.1.1(vi)	056	71056	71056.06		Central Otago Winegrowers Association	Oppose	Given the COVID-driven impacts, and regulatory restrictions on many of our members' businesses, as well as financial pressures, we request a 12 month delay to the process.	Reject
Rule 10A.3.1.1(vi)	057	71057	71057.08		Alistair and Barbara Groundwater	Oppose	Wishes to see the whole of PC7 withdrawn. The Otago Reginal Council (ORC) can process water permit applications under the existing plan and does not need to establish an interim planning framework. A minimum consent length of 25yrs would be required to allow the Bank to provide development funding for the industry.	Reject
Rule 10A.3.1.1(vi)	058	71058	71058.06		Bradley and Kirsten McEwan	Oppose	Wishes to see the whole of PC7 withdrawn. A minimum consent length of 25yrs would be required to allow the Bank to provide development funding for the industry.	Reject
Rule 10A.3.1.1(vi)	059	71059	71059.03		Maori Point Vineyard Ltd	Not stated	Withdraw PC7 and replace this with a new policy based on 1) water availability in each specific sub-region or catchment area, and 2) the demonstrated justification for the proposed water usage.	Reject

Rule 10A.3.1.1(vi)	061	71061	71061.07		Beggs Creek Station	Oppose	Wishes to see the whole of PC7 withdrawn, and water permit applications should be processed under the existing framework. A minimum consent length of 25 years would be required to allow the Bank to provide development funding for the industry.	Reject
Rule 10A.3.1.1(vi)	064	71064	71064.07		Grape Vision Limited	Oppose	Alternative solutions, including the appointment of a government appointed commissioner to take control of the ORC and through proper planning and governance create an appropriate solution to the challenges presented by this process have not been properly considered and they should be. An interim extension of all permits to enable the necessary changes to occur at the ORC is an alternative that should be properly explored and would provide water users with the opportunity to contribute to achieving the objectives of efficient and effective water use.	Reject
Rule 10A.3.1.1(vi)	065	71065	71065.05		Concept Farms Limited	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(vi)	066	71066	71066.03		Patearoa Station Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, the submitter seeks that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(vi)	068	71068	71068.09		Dairy Farms Partnership	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(vi)	069	71069	71069.09		Molyneux Farm Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Clutha catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.1.1(vi)	074	71074	71074.07		Terry Cooke for TJ&J Cooke	Not stated	No specific decision sought.	Reject
Rule 10A.3.1.1(vi)	077	71077	71077.06		Michelle and Stephen Holland	Oppose	PC7 should not apply in the Strath Taieri, permits can continue to be issued under the current plan.	Reject
Rule 10A.3.1.1(vi)	079	71079	71079.07		En Hakkore Partnership	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject

Rule 10A.3.1.1(vi)	082	71082	71082.06		GlenAyr Ltd	Oppose	Every case should be on its own merits. Those applicants such as ourselves who are prepared to present a comprehensive application that improves the status quo at considerable capital expense should be rewarded with certainty of tenure to enable financing. PC7 should be amended to recognise water sharing and catchment groups. There should not be a requirement to not increase the area irrigated as water users should benefit from using best practice and technology to make their water go further. Proposed water use and application method should be considered in tandem with historic water use.	Reject
Rule 10A.3.1.1(vi)	083	71083	71083.07		Puketoi Farming Company	Not stated	Rules and methodology for calculating rate of take need removed from PC7.	Reject
Rule 10A.3.1.1(vi)	084	71084	71084.08		Maniototo West Side Irrigation Company Ltd	Oppose	Clauses which require a reduction in the size of the allocation should be removed.	Reject
Rule 10A.3.1.1(vi)	085	71085	71085.07		Robin Dicey	Oppose	PC7 is unnecessary. The existing Otago Regional Council plan allows deemed permits to be replaced in a way that does not result in the unsustainable allocation of freshwater.	Reject
Rule 10A.3.1.1(vi)	088	71088	71088.06		MP3 Limited	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(vi)	089	71089	71089.06		CP and DE Mulholland	Oppose	Methodology for rate of take and volume to be taken over a longer period time and when water is available.	Accept in part
Rule 10A.3.1.1(vi)	091	71091	71091.05		Kenneth Allan Fergusson	Oppose	Wishes to see the whole of PC7 withdrawn and create a plan that takes into account specific catchments and their own issues relating to that catchment. For example; whether a river already has a working minimum flow, general river and environment health in regards to nutrient levels etc.	Reject
Rule 10A.3.1.1(vi)	094	71094	71094.07		Manuherikia Irrigation Co-operative Society Limited ("MICSL")	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(vi)	098	71098	71098.05		Derek and Margaret Jones	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is not withdrawn, submitter seeks the urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessment. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Rule 10A.3.1.1(vi)	100	71100	71100.07		DB & JWS Kinney Trust	Oppose	Wishes to see the whole of PC7 withdrawn and process further deemed permits and other water permit applications under the current Plan until the LWRP becomes operative.	Reject
Rule 10A.3.1.1(vi)	102	71102	71102.04		Strath Clyde Water Limited	Oppose	It would be more transparent, and a better measure, to use present measures and, if reduction is required, to justify that reduction.	Accept in part

Rule 10A.3.1.1(vi)	107	71107	71107.08		Coal Creek Water Users Group	Oppose	Abandon Plan Change 7, continue with the current water plan that we consider "fit for purpose". OR Amend the RMA to extend the October 2021 deadline to 2025 that will co-incide with the national water strategy. By then ORC should have themselves organised with the new NPS based water plan. This would not be a waste of parliamentary time compared to the wasted time and effort by irrigators and ORC.	Reject
Rule 10A.3.1.1(vi)	110	71110	71110.07		Hamilton Runs Limited	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Rule 10A.3.1.1(vi)	114	71114	71114.05		Richard Tamblyn	Oppose	If the whole PC7 is not withdrawn, then this provision should be changed to the average take over the period of time that records are available for.	Accept in part
Rule 10A.3.1.1(vi)	117	71117	71117.05		Appin Farms Ltd	Oppose	Wishes to see the whole of PC7 withdrawn and develop a river relevant plan specific to individual rivers and the users needs. A far more practical and equitable approach would be to assess all catchments and look at their current and individual characteristics i.e. minimal flow criteria in place, river health etc.	Reject
Rule 10A.3.1.1(vi)	121	71121	71121.05		Mount Dunstan Estates Ltd	Oppose	Not stated.	Reject
Rule 10A.3.1.1(vi)	122	71122	71122.06		Enfield Limited	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative.	Reject
Rule 10A.3.1.1(vi)	129	71129	71129.08		Pisa Holdings Limited, Rockburn Wines Limited, Mark II Limited, Chard Farm Trustees Limited, Albany Heights Limited, Stuart Douglas Hawker & Phillippa Mary Hawker (Shareholders in Deemed Permit 95789)	Oppose	Wishes to see the whole of PC7 withdrawn OR Amend PC7 as follows: 1. Provide for existing activities to continue as permitted activities on the same terms and conditions as they are currently issued, including current statutory entitlements, until the new Land and Water Plan is operative. As an alternative, provide for such activities to be re-consented as controlled activities on the same terms and conditions, including statutory entitlements, until the Land and Water Plan is operative; 5. Remove the stipulation for allocation for controlled activities to be derived from 1 July 2012-30 June 2017; 8. Amend to improve drafting and clarify relationships between provisions; 9. Make all such other changes and grant such other, further and alternative relief necessary to give effect to the reasons for this submission.	Accept in part
Rule 10A.3.1.1(vi)	132	71132	71132.06		Wataieri Holdings Limited	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative.	Reject

Rule 10A.3.1.1(vi)	137	71137	71137.11		Omakau Area Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR undertake urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.1.1(vi)	138	71138	71138.07		Phada Industries Ltd	Oppose	Wishes to see the whole of PC7 withdrawn, OR amended to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(vi)	142	71142	71142.06		Earl and Bernadine Attfield on behalf of The Waikerikeri Creek all water users group	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(vi)	144	71144	71144.03		The Burn Limited	Oppose	Continue to process permits under the existing plan.	Reject
Rule 10A.3.1.1(vi)	145	71145	71145.07		Knapdale Farms Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Rule 10A.3.1.1(vi)	146	71146	71146.05		Queensbury Ridges Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Rule 10A.3.1.1(vi)	147	71147	71147.06		Barley Station (Glencoe) Trust	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject

Rule 10A.3.1.1(vi)	148	71148	71148.05		Ian Bathgate	Oppose	Wishes to see the Plan Change to be declined and removed. PC7 will undermine and stall any environmental and economic gains or opportunities for the Upper and Strath Taieri regions for at least the next decade.	Reject
Rule 10A.3.1.1(vi)	149	71149	71149.10		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Amend condition (vi) as follows: "The volume of water taken shall be at least 20% less ~~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."	Reject
				FS715	Trustpower Limited	Oppose		Accept
				FS707	Landpro Limited	Oppose		Accept
				FS706	Horticulture New Zealand	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept
Rule 10A.3.1.1(vi)	150	71150	71150.06		Christopher McNally & Vanessa Jane May	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Rule 10A.3.1.1(vi)	155	71155	71155.07		Isabella May Anderson	Oppose	The ORC should remove PC7 completely. If the plan is not removed entirely then the submitter would support the options outlined in OWRUG submission to amend the current framework for permit renewal.	Reject
Rule 10A.3.1.1(vi)	156	71156	71156.06		R W Naylor	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Rule 10A.3.1.1(vi)	158	71158	71158.06		Trade as A W & K L Glassford	Oppose	Wishes to see PC7 removed completely.	Reject
Rule 10A.3.1.1(vi)	160	71160	71160.06		Chard Farm Limited	Oppose	Given the COVID-19 driven impacts, and regulatory restrictions on many of our members' businesses, as well as financial pressures, we request a 12 month delay to the process.	Reject

Rule 10A.3.1.1(vi)	164	71164	71164.05		Downs Irrigation Settlement	Oppose	1. Seeks that PC7 is declined in its entirety. 2. Seeks the urgent but robust completion of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7. 3. Supports and adopt the submission of the Otago Water Resource Users Group submission on Proposed Plan Change 7, and the submission of the Manuherikia Catchment Group, including the reasons for those submissions and the relief sought in those submissions.	Reject
Rule 10A.3.1.1(vi)	172	71172	71172.04		Ballance Agri-Nutrients Limited	Support in part	Amend PC7 by adopting a 'hold the line' policy.	Accept in part
Rule 10A.3.1.1(vi)	173	71173	71173.11		Clutha District Council and Waitaki District Council	Oppose	Amend to include the daily, monthly and annual limit of take as being that taken under the exercise of the current or existing resource consent with allowance for climatic variability and seasonal extremes, up to and not exceeding the existing authorised daily, monthly and annual limit of take.	Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support & oppose in part		Reject
				FS714	Aukaha Ltd	Oppose		Accept in part
Rule 10A.3.1.1(vi)	175	71175	71175.05		Hamish Stratford	Oppose	Wishes to see the whole PC7 removed completely.	Reject
Rule 10A.3.1.1(vi)	176	71176	71176.05		Galloway Irrigation Society Incorporated	Oppose	Relief Sought: a. We seek that PC7 is declined in its entirety. b. We seek the continuation of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments.	Reject
Rule 10A.3.1.1(vi)	178	71178	71178.04		Central Otago District Council	Oppose	Rather than apply an average over a 5 year period, cap use at the maximum allowed actual use recorded for the relevant period. For example, the actual annual volume limit should reflect the actual volume of water used in the year when the most water was used.	Accept
				FS705	Federated Farmers of New Zealand	Support in part		Accept in part
Rule 10A.3.1.1(vi)	179	71179	71179.06		Aotearoa New Zealand Fine Wine Estates Limited Partnership	Oppose	Seeks that PC7 is declined in its entirety.	Reject

Rule 10A.3.1.1(vi)	185	71185	71185.08		Tinwald Farm Holdings Limited	Oppose	Decline PC7 in its entirety. OR Decline PC7 in its entirety and amend existing policies and methods in the Regional Plan: Water for Otago. OR Decline PC7 in its entirety and replaced with simple transitional objectives and policies, implemented by a permitted activity rule, and Supporting methods (see submission for explanation of each of these methods)	Reject
Rule 10A.3.1.1(vi)	186	71186	71186.06		Excel Farming Ltd	Oppose	Wishes that the entire PC7 be declined.	Reject
Rule 10A.3.1.1(vi)	187	71187	71187.06		Matakanui Station Ltd	Oppose	Decline PC7 entirely; and Complete the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit based on good hydrology ecology information, analysis of reliability of supply, and full cultural, economic and social impact assessments; and Amend PC7 to provide for long term consents of 25 years plus.	Reject
Rule 10A.3.1.1(vi)	203	71203	71203.04		Challenge Farm Trusts Partnership	Oppose	Instead of the average use, the maximum of the 5 year period be taken into account, or if a farm or consent has changed hands during that period of time then the highest amount used is taken as the baseline figure.	Accept
Rule 10A.3.1.1(vi)	214	71214	71214.07		Ian Hewett	Oppose	Amend the policy	Accept in part
Rule 10A.3.1.1(vi)	216	71216	71216.05		JR Webb & Sons Ltd	Oppose	Decline PC7	Reject
Rule 10A.3.1.1(vi)	218	71218	71218.04		Shag Valley Station	Oppose	That the water permit being replaced should be renewed under its existing conditions including the rate of take, total take and minimum flow cut off levels.	Reject
Rule 10A.3.1.1(vi)	224	71224	71224.02		Layard Estates Ltd The Little Orchard Trust	Oppose	Amend the policy to .... will base allocation on actual water use over the five year period from 2012-2017 for pastoral farming and for horticultural properties over the five year period 2015 - 2020 with the allocation adjusted to take account of the required water usage to produce a commercial crop where: 1) recent horticultural development (redevelopment and new) has resulted in reduced or no water use history over this period. 2) there have been changes to horticultural best practices	Accept in part
Rule 10A.3.1.1(vi)	232	71232	71232.07		Linnburn Station Ltd	Not stated	Extend permit terms from 6 years, change date ranges and approaches to analysing data out to 30 June 2020 if the data is available	Accept in part
Rule 10A.3.1.1(vi)	238	71238	71238.06		Stonehaven Limited	Oppose	I wish to see PC 7 withdrawn	Reject
Rule 10A.3.1.1(vi)	250	71250	71250.04		Omakau Fuel Services	Oppose	Remove Plan Change 7 as it serves no useful purpose for our town, community or business	Reject
Rule 10A.3.1.1(vi)	253	71253	71253.05		Tony Strain	Oppose	Withdraw Plan Change 7	Reject
Rule 10A.3.1.1(vii)	002	71002	71002.03		Mark Skinner	Oppose	Addition of a new condition which states, "Non-consumptive takes will be assessed as a controlled activity."	Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part

Rule 10A.3.1.1(vii)	004	71004	71004.03		Graeme Hutchins	Oppose	Addition of a new condition which states, "Non-consumptive takes will be assessed as a controlled activity."	Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
Rule 10A.3.1.1(vii)	005	71005	71005.03		Russell Irwin Knight and Doug Jones	Oppose	Addition of a new condition which states, "Non-consumptive takes will be assessed as a controlled activity."	Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
Rule 10A.3.2.1 (Corrected from submission which refers to 10A.3.1.2	174	71174	71174.09		Te Ao Marama	Support	Retain the intent of Rule 10A.3.1.2 and ensure that application of the rule is consistent with Ministerial direction and national direction for freshwater management, including timeframes for implementing this national direction, and does not result in any potential increase in adverse effects on waterbodies during the transitionary period.	Accept
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Accept
				FS712	Public Health South	Support		Accept
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support		Accept
				FS714	Aukaha Ltd	Support		Accept
Rule 10A.3.2	031	71031	71031.08		Mt Barker Trust	Oppose	Seeks that applications that do not comply with the conditions of 10A.3.1 are a Restricted Discretionary Activity with discretion restricted to the condition/conditions that are not complied with.	Accept in part
Rule 10A.3.2	032	71032	71032.07		Orchard Road Holdings Limited	Oppose	Seeks that applications that do not comply with the conditions of 10A.3.1 are a Restricted Discretionary Activity with discretion restricted to the condition/conditions that are not complied with.	Accept in part
Rule 10A.3.2	053	71053	71053.07		MFS Ventures Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Kakanui and Waianakarua catchments be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Rule 10A.3.2	064	71064	71064.08		Grape Vision Limited	Oppose	Alternative solutions, including the appointment of a government appointed commissioner to take control of the ORC and through proper planning and governance create an appropriate solution to the challenges presented by this process have not been properly considered and they should be. An interim extension of all permits to enable the necessary changes to occur at the ORC is an alternative that should be properly explored and would provide water users with the opportunity to contribute to achieving the objectives of efficient and effective water use.	Reject

Rule 10A.3.2	071	71071	71071.06		Long Gully Water Race Society	Oppose	PC7 is unnecessary. The existing Otago Regional Council plan allows deemed permits to be replaced in a way that does not result in the unsustainable allocation of freshwater.	Reject
Rule 10A.3.2	073	71073	71073.05		Banarach Farm Limited	Oppose	Include a new rule: Any activity will replace a lawfully established divert, take or use affected by the provisions of Section 124-124C of the RMA where that water permit expires prior to 31 December 2025 that does not meet conditions (ii), (iii), (iv) or (v) of Rule 10A.3.1is a restricted discretionary activity. The exercise of discretion is restricted to the following matters: a. The actual or potential adverse effects on water quality; and b. The effects of the diversion, take or use on any other authorised diversion, take or use; c. The reduction in the rate of diversion, take or use at times of low flow.	Reject
				FS705	Federated Farmers of New Zealand	Support in part		Reject
Rule 10A.3.2	073	71073	71073.06		Banarach Farm Limited	Oppose	Amend Rule 10A.3.2 to read: Any activity will replace a lawfully established divert, take or use affected by the provisions of Section 124-124C of the RMA where that water permit expires prior to 31 December 2025 that does not meet condition (i) of Rule 10A.3.1 is a discretionary activity	Reject
Rule 10A.3.2	105	71105	71105.03		North Otago Irrigation Company Limited	Oppose	Amend Rule 10A.3.2 to read: Any activity will replace a lawfully established divert, take or use affected by the provisions of Section 124-124C of the RMA where that water permit expires prior to 31 December 2025 that does not meet condition (i) of Rule 10A.3.1 is a discretionary activity	Reject
				FS712	Public Health South	Oppose		Accept
				FS706	Horticulture New Zealand	Support		Reject
				FS705	Federated Farmers of New Zealand	Support in part		Reject
Rule 10A.3.2	131	71131	71131.08		Horticulture New Zealand	Oppose in Part	Amend as follows: 10A.3.2.1 Despite any other rule or rules in this Plan: a) any activity that is the replacement of an activity authorised under a Deemed Permit; or ~~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;~~ that does not meet any one or more of the conditions of Rule 10A.3.1.1 is a ~~non - complying~~ discretionary activity.	Reject

Rule 10A.3.2	149	71149	71149.14		Royal Forest and Bird Protection Society of New Zealand Inc	Support in part	Amend Rule 10A.3.2 so that: i. The activity description is worded the same as for rule 10A.3.1.1 ii. The wording of where the rule applies read: "... that does not meet any one or more of the conditions (i) to (iii) of Rule 10A.3.1.1 or does not meet any one or more of the conditions of Rule 10A.3.1.1X is a non - complying activity.	Reject
				FS706	Horticulture New Zealand	Oppose		Accept
				FS714	Aukaha Ltd	Support		Reject
Rule 10A.3.2	151	71151	71151.09		Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively mana whenua)	Support	Retain as notified.	Accept in part
				FS712	Public Health South	Support		Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Accept in part
Rule 10A.3.2	163	71163	71163.07		Ida Valley Irrigation Company Limited	Oppose	To revoke in its entirety Plan Change 7 and to have water permit/consent applications heard and decided under the current planning documentation.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.2	164	71164	71164.02		Downs Irrigation Settlement	Oppose	1. Seeks that PC7 is declined in its entirety. 2. Seeks the urgent but robust completion of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7. 3. Supports and adopt the submission of the Otago Water Resource Users Group submission on Proposed Plan Change 7, and the submission of the Manuherikia Catchment Group, including the reasons for those submissions and the relief sought in those submissions.	Reject

Rule 10A.3.2	164	71164	71164.06		Downs Irrigation Settlement	Oppose	1. Seeks that PC7 is declined in its entirety. 2. Seeks the urgent but robust completion of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7. 3. Supports and adopt the submission of the Otago Water Resource Users Group submission on Proposed Plan Change 7, and the submission of the Manuherikia Catchment Group, including the reasons for those submissions and the relief sought in those submissions.	Reject
Rule 10A.3.2	177	71177	71177.07		Federated Farmers of New Zealand - Otago and North Otago Provinces	Oppose	Change activity status to restricted discretionary – given matters of discretion can be extensive.	Reject
				FS715	Trustpower Limited	Support in part		Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose		Accept
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.2	181	71181	71181.05		Arrow Irrigation Company Ltd	Oppose	Oppose Rule 10A.3.2	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.2.1		70034	70034.02		Ministry for the Environment	Oppose	Delete Rule 10A.3.2.1	Reject
				FS703	Dunedin City Council	Oppose		Accept
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
				FS711	Otago Water Rights User Group	Oppose		Accept
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support		Reject
				FS709	Ngai Tahu ki Murihiku	Support		Reject
				FS707	Landpro Limited	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept
				FS703	Dunedin City Council	Oppose		Accept
				FS704	Falls Dam Company Limited (“FDC”)	oppose		Accept
				FS701	DairyNZ Ltd	Oppose		Accept

Rule 10A.3.2.1		70036	70036.06		Aotearoa New Zealand Fine Wine Estates Limited Partnership	Oppose	Amend as shown: 10A.3.2.1: Despite any other rule or rules in this Plan: a) any activity that is the replacement of an activity authorised under a Deemed Permit~~; or~~ ~~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;~~that does not meet any one or more of the conditions of Rule 10A.3.1.1 is a ~~non - complying~~ discretionary activity.	Reject
Rule 10A.3.2.1		70045	70045.10		Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part	Amend the provisions to make it prohibited to apply for a consent that breaches 10A.3.1.1 (i), (iv) or (vi), for consents captured by 10A.3.1.1(a) and (b). Amend the provisions to make all applications for new surface water (including connected groundwater) abstraction activities noncomplying (specific changes not indicated).	Reject
				FS711	Otago Water Rights User Group	Oppose		Accept
				FS715	Trustpower Limited	Oppose		Accept
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
				FS709	Ngai Tahu ki Murihiku	Support in part		Reject
				FS707	Landpro Limited	Oppose		Accept
				FS706	Horticulture New Zealand	Oppose		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Accept
Rule 10A.3.2.1		70045	70045.13		Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part	Consistent wording within Rules 10A.3.1.1(b) and 10A.3.2.1 to ensure all surface water consent applications for existing water permits that expire prior to 31 December 2025 are captured by both rules.	Accept in part
				FS711	Otago Water Rights User Group	Oppose		Reject
				FS709	Ngai Tahu ki Murihiku	Support in part		Accept
				FS705	Federated Farmers of New Zealand	Oppose		Reject
				FS714	Aukaha Ltd	Support in part		Accept
Rule 10A.3.2.1		70047	70047.08		Otago Province Federated Farmers of New Zealand	Oppose in part	Delete part b) Change activity status to restricted discretionary	Reject
				FS715	Trustpower Limited	Support in part		Reject
				FS712	Public Health South	Oppose		Accept

				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
Rule 10A.3.2.1		70048	70048.06		Queenstown Lakes District Council	Support in part	Neutral provided that the amendments sought to Rule 10A.3.1.1 are adopted. Otherwise a new rule should be inserted to provide for replacement community water supplies and their enlargement are provided for as restricted discretionary activities, with discretion limited to matters of aquatic ecology and other matters relevant under the NPSFM 2020.	Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Accept in part
				FS703	Dunedin City Council	Support		Accept in part
				FS705	Federated Farmers of New Zealand	oppose		Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
Rule 10A.3.2.1	085	71085	71085.08		Robin Dicey	Oppose	PC7 is unnecessary. The existing Otago Regional Council plan allows deemed permits to be replaced in a way that does not result in the unsustainable allocation of freshwater.	Reject
Rule 10A.3.2.1	119	71119	71119.05		Pioneer Energy Limited	Oppose	Withdraw the whole of PC7 or amend PC7 to remove deemed permits relating to dams and associated infrastructure so that these permits can continue to have applications assessed under the current RWP framework and not PC7.	Reject
				FS715	Trustpower Limited	Support in part		Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
				FS714	Aukaha Ltd	Oppose		Accept
Rule 10A.3.2.1	133	71133	71133.07		Falls Dam Company Limited ("FDC")	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to remove deemed permits relating to dams and irrigation infrastructure so that these permits can continue to have applications assessed under the current RPW framework and not PC7.	Reject
				FS715	Trustpower Limited	Support in part		Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept

Rule 10A.3.2.1	134	71134	71134.07		Hortinvest Limited ("Hortinvest")	Oppose	Wishes to see the whole PC7 withdrawn. OR Amend as follows: a. Introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. b. Exclude new applications to take water from catchments (including connected groundwater) not fully allocated, i.e. the Clutha Catchment. These applications are best dealt with under the existing RPW Framework. c. Provide clarity around whether it is intended to apply to new applications or replacement applications or both.	Accept in part
Rule 10A.3.2.1	135	71135	71135.09		Lindis Peaks Farming Limited ("Lindis Peaks")	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/MataAu River should not be included as the Clutha/Mata-Au is not fully allocated.	Reject
Rule 10A.3.2.1	137	71137	71137.02		Omakau Area Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR undertake urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.2.1	139	71139	71139.06		Terraces Irrigation Limited ("TIL")	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/Mata-Au River should not be included as the Clutha/Mata-Au is not fully allocated. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
				FS712	Public Health South	Oppose		Accept

Rule 10A.3.2.1	143	71143	71143.11		Trustpower Limited	Not stated	Renumber Rule 10A3.2 as follows: 10A.3.3 Non-complying activity: Resource consent required 10A.3.3.1 Despite any other rule or rules in this Plan: a) any activity that is the replacement of an activity authorised under a Deemed Permit; or 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;that does not meet any one or more of the conditions of Rule 10A.3.1.1 is a non - complying activity	Reject
				FS714	Aukaha Ltd	Support in part		Reject
Rule 10A.3.2.1	159	71159	71159.07		Landpro Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Rule 10A.3.2.1	168	71168	71168.06		Beef and Lamb New Zealand Ltd and Deer Industry New Zealand	Oppose	The submitters seek that this provision is deleted in its entirety.	Reject
Rule 10A.3.2.1	172	71172	71172.05		Ballance Agri-Nutrients Limited	Support in part	Amend PC7 by adopting a 'hold the line' policy.	Accept in part
Rule 10A.3.2.1	173	71173	71173.01		Clutha District Council and Waitaki District Council	Oppose	Amend from a non-complying activity to a discretionary activity.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Not stated		Reject
				FS714	Aukaha Ltd	Oppose		Accept
Rule 10A.3.2.1	177	71177	71177.08		Federated Farmers of New Zealand - Otago and North Otago Provinces	Oppose in Part	Delete part b). Change activity status to restricted discretionary.	Reject
				FS715	Trustpower Limited	Support in part		Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose		Accept
				FS712	Public Health South	Oppose		Accept
Rule 10A.3.2.1	180	71180	71180.10		Director General of Conservation	Support in part	Additionally, add to Rule 10A.3.2.1 a new paragraph (c): *(c) Under section 68(7) of the RMA, any catchment-wide consents granted under Plan Change 7 shall be reviewed in accordance within three years of a future NPSFM compliant Regional Plan becoming operative.*	Reject
				FS715	Trustpower Limited	Oppose		Accept

Rule 10A.3.2.1	256	71256	71256.06		Jeremy Kenneth Walton	Support	Supports the ORC doing Plan Change 7 now	Accept
Schedule 10A.4		70045	70045.14		Otago Fish and Game Council and Central South Island Fish and Game Council	Support	Retain as notified	Accept in part
				FS711	Otago Water Rights User Group	Oppose		Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Accept in part
Schedule 10A.4		70047	70047.09		Otago Province Federated Farmers of New Zealand	Oppose	Specific relief not indicated. Preference indicated for the approach taken in Schedule 10 of the Canterbury Land and Water Regional Plan, and evidence of the Otago Water Resource User Group in respect of the schedule and methodologies.	Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Oppose		Accept
Schedule 10A.4	015	71015	71015.04		Last Chance Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to introduce a simple permitted activity rule that enables current permits to be exercised until the new Land and Water Plan is operative.	Reject
				FS712	Public Health South	Oppose		Accept
Schedule 10A.4	018	71018	71018.07		Duncan Cleugh Farming Trust	Oppose	If applications which have already been lodged with ORC need to comply with PC7 then the objective of Schedule 10A.4 of ensuring that future takes reflect actual recent takes and not those still on historical paper, could be achieved by a visit to the permit holder by an ORC staffer and an independent consultant who has skills to make a determination to achieve the stated objective.	Reject
Schedule 10A.4	028	71028	71028.10		Robert James Stewart Rutherford	Oppose	If the whole PC7 is not withdrawn, then remove the clause re the exclusion of data when the extraction exceeds the margin of error.	Accept
Schedule 10A.4	031	71031	71031.09		Mt Barker Trust	Oppose	Seeks that the methodology in 10A.4 is deleted and a more flexible approach is taken to determining rate of take for permits.	Accept in part
Schedule 10A.4	032	71032	71032.08		Orchard Road Holdings Limited	Oppose	Seeks that the methodology in 10A.4 is deleted and a more flexible approach is taken to determining rate of take for permits.	Accept in part
Schedule 10A.4	036	71036	71036.07		MD and DG Jones Family Trust	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan. The methodology provides a "one size fits all" which is very concerning.	Reject
Schedule 10A.4	038	71038	71038.02		Jane Margaret Preston	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
Schedule 10A.4	043	71043	71043.09		Pisa Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR amend existing policies and methods in the RPW, OR widthraw PC7 and replace with simple transitional objectives and policies implemented by a permitted activity rule and supporting methods.	Reject
				FS712	Public Health South	Oppose		Accept

Schedule 10A.4	052	71052	71052.04		Cadrona Water Users Incorporated	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
Schedule 10A.4	053	71053	71053.08		MFS Ventures Ltd	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Kakanui and Waianakarua catchments be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Schedule 10A.4	065	71065	71065.06		Concept Farms Limited	Oppose	Wishes to see the whole of PC7 withdrawn. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).	Reject
Schedule 10A.4	070	71070	71070.05		Maniototo Irrigation Company	Oppose	The Maniototo Irrigation Company (MIC) oppose all of Plan Change 7. MIC want the Plan Change to be removed and the remaining water permits that expire before the reviewed Regional Plan Water for Otago (RPW or Water Plan) is operative processed under the current Water Plan. If the whole of PC7 is not withdrawn, then the Upper Taieri Catchment should be excluded from PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Schedule 10A.4	071	71071	71071.07		Long Gully Water Race Society	Oppose	PC7 is unnecessary. The existing Otago Regional Council plan allows deemed permits to be replaced in a way that does not result in the unsustainable allocation of freshwater.	Reject

Schedule 10A.4	073	71073	71073.07		Banarach Farm Limited	Oppose	Amend Method 10A.4 to read: Three methods are provided for determining the seasonal irrigation demand. 1. Records of past use, moderated to ensure the annual volume is sufficient to meet demand conditions that occur in nine out of ten years for a system with an irrigation application efficiency of 80%; or 2. Use of a model that has been field validated and shown to reliably predict annual irrigation volume within an accuracy of 15%. The annual volume calculated using the model shall be compliant with the following criteria: a. an irrigation application efficiency of 80%; b. a system capacity to meet peak demand; c. a nominal irrigation season from 1 September to 30 April; and d. demand conditions that occur in nine out of ten years. 3. Using the methodology set out below and the figures set out in Table 10A.4. To determine the applicable seasonal irrigation demand standard and derive an annual volume: 1. find the total seasonal demand from Table 10A.4 for the particular soil PAW class. Where the soil PAW class is between 100 - 200 mm, insert the appropriate PAW for the soil to be irrigated into the formula to determine the total seasonal demand; 2. determine effective irrigation season rainfall for the location; 3. deduct this rainfall amount from the total seasonal demand amount to give the irrigation requirement in millimetres – this provides the seasonal irrigation demand standard; 4. adjust this seasonal irrigation demand standard by multiplying by 10 to find the volume of water (cubic metres) per hectare per season; and 5. multiply this amount by the area that is to be irrigated to give the annual volume. Table 10A.4 Soil PAW Class Total Seasonal Demand < 100 mm 910 mm 100 – 200 mm 910 -1.6(PAW-100) mm >200 mm 750 mm Soil PAW Class represents the upper and lower limits of the soils that are generally irrigated in Otago in terms of the profile available water (PAW) of the soils. Between the upper and lower limits set out in Table 10A.4, a sliding scale is used to determine the relevant total seasonal demand. Total seasonal demand is the total amount of water required to satisfy plant water needs during the main growing period. This demand can be satisfied by rainfall and irrigation. In determining the	Reject

							irrigation component, provision has been made for: 1. an irrigation application efficiency of 80%; 2. a system capacity to meet peak demand (between 4mm/ha/day and 6.5 mm/ha/day); 3. a nominal irrigation season from 1 September to 30 April; 4. demand conditions that occur in nine out of ten years; and Effective irrigation season rainfall is the amount of rain that will contribute to crop growth over the nominal irrigation season. In determining this amount, provision has been made for: 1. rainfall that occurs on average in six out of ten years (which, together with a complementary seasonal irrigation allowance, is estimated to meet total water demand with a reliability of nine out of ten years based on analysis of long-term climate data); and 2. excluding daily rainfall amounts of less than 5 mm, or cumulative rainfall amounts in consecutive days in excess of 50 mm. Seasonal irrigation demand standard for a given soil PAW the depth of water (measured in millimetres) per hectare per year required to be supplied by irrigation to satisfy plant water demand after allowing for effective irrigation season rainfall.	
Schedule 10A.4	077	71077	71077.07		Michelle and Stephen Holland	Oppose	PC7 should not apply in the Strath Taieri, permits can continue to be issued under the current plan.	Reject
Schedule 10A.4	089	71089	71089.07		CP and DE Mulholland	Oppose	Methodology for rate of take and volume to be taken over a longer period time and when water is available.	Reject
Schedule 10A.4	094	71094	71094.08		Manuherikia Irrigation Co-operative Society Limited ("MICSL")	Oppose	Wishes to see the whole of PC7 withdrawn.	Reject
				FS712	Public Health South	Oppose		Accept

Schedule 10A.4	105	71105	71105.04		North Otago Irrigation Company Limited	Oppose	Amend Method 10A.4 to read: Three methods are provided for determining the seasonal irrigation demand. 1. Records of past use, moderated to ensure the annual volume is sufficient to meet demand conditions that occur in nine out of ten years for a system with an irrigation application efficiency of 80%; or 2. Use of a model that has been field validated and shown to reliably predict annual irrigation volume within an accuracy of 15%. The annual volume calculated using the model shall be compliant with the following criteria: a. an irrigation application efficiency of 80%; b. a system capacity to meet peak demand; c. a nominal irrigation season from 1 September to 30 April; and d. demand conditions that occur in nine out of ten years. 3. Using the methodology set out below and the figures set out in Table 10A.4. To determine the applicable seasonal irrigation demand standard and derive an annual volume: 1. find the total seasonal demand from Table 10A.4 for the particular soil PAW class. Where the soil PAW class is between 100 - 200 mm, insert the appropriate PAW for the soil to be irrigated into the formula to determine the total seasonal demand; 2. determine effective irrigation season rainfall for the location; 3. deduct this rainfall amount from the total seasonal demand amount to give the irrigation requirement in millimetres – this provides the seasonal irrigation demand standard; 4. adjust this seasonal irrigation demand standard by multiplying by 10 to find the volume of water (cubic metres) per hectare per season; and 5. multiply this amount by the area that is to be irrigated to give the annual volume. Table 10A.4 Soil PAW Class Total Seasonal Demand < 100 mm 910 mm 100 – 200 mm 910 -1.6(PAW-100) mm >200 mm 750 mm Soil PAW Class represents the upper and lower limits of the soils that are generally irrigated in Otago in terms of the profile available water (PAW) of the soils. Between the upper and lower limits set out in Table 10A.4, a sliding scale is used to determine the relevant total seasonal demand. Total seasonal demand is the total amount of water required to satisfy plant water needs during the main growing period. This demand can be satisfied by rainfall and irrigation. In	Reject

							determining the irrigation component, provision has been made for: 1. an irrigation application efficiency of 80%; 2. a system capacity to meet peak demand (between 4mm/ha/day and 6.5 mm/ha/day); 3. a nominal irrigation season from 1 September to 30 April; 4. demand conditions that occur in nine out of ten years; and Effective irrigation season rainfall is the amount of rain that will contribute to crop growth over the nominal irrigation season. In determining this amount, provision has been made for: 1. rainfall that occurs on average in six out of ten years (which, together with a complementary seasonal irrigation allowance, is estimated to meet total water demand with a reliability of nine out of ten years based on analysis of long-term climate data); and 2. excluding daily rainfall amounts of less than 5 mm, or cumulative rainfall amounts in consecutive days in excess of 50 mm. Seasonal irrigation demand standard for a given soil PAW the depth of water (measured in millimetres) per hectare per year required to be supplied by irrigation to satisfy plant water demand after allowing for effective irrigation season rainfall.	
				FS712	Public Health South	Oppose		Accept
				FS706	Horticulture New Zealand	Support		Reject
				FS705	Federated Farmers of New Zealand	Support		Reject
Schedule 10A.4	112	71112	71112.05		Hawksburn Station	Oppose	Wishes to see the whole of PC7 withdrawn and process water permits under the current plan's rules and policies.	Reject
Schedule 10A.4	116	71116	71116.06		Carrick Irrigation Co Ltd	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process the permits under the current plan. If the whole PC7 is not withdrawn, then the submitter wishes that a permitted activity rule is established that enables the permits to roll over as is without any change.	Reject
				FS712	Public Health South	Oppose		Accept

Schedule 10A.4		71118	71118.01		Maerewhenua District Water Resource Company Limited	Not stated	Amend Method 10A.4 to read: Three methods are provided for determining the seasonal irrigation demand. 1. Records of past use, moderated to ensure the annual volume is sufficient to meet demand conditions that occur in nine out of ten years for a system with an irrigation application efficiency of 80%; or 2. Use of a model that has been field validated and shown to reliably predict annual irrigation volume within an accuracy of 15%. The annual volume calculated using the model shall be compliant with the following criteria: a. an irrigation application efficiency of 80%; b. a system capacity to meet peak demand; c. a nominal irrigation season from 1 September to 30 April; and d. demand conditions that occur in nine out of ten years. 3. Using the methodology set out below and the figures set out in Table 10A.4. To determine the applicable seasonal irrigation demand standard and derive an annual volume: 1. find the total seasonal demand from Table 10A.4 for the particular soil PAW class. Where the soil PAW class is between 100 - 200 mm, insert the appropriate PAW for the soil to be irrigated into the formula to determine the total seasonal demand; 2. determine effective irrigation season rainfall for the location; 3. deduct this rainfall amount from the total seasonal demand amount to give the irrigation requirement in millimetres – this provides the seasonal irrigation demand standard; 4. adjust this seasonal irrigation demand standard by multiplying by 10 to find the volume of water (cubic metres) per hectare per season; and 5. multiply this amount by the area that is to be irrigated to give the annual volume. Table 10A.4 Soil PAW Class Total Seasonal Demand < 100 mm 910 mm 100 – 200 mm 910 -1.6(PAW-100) mm >200 mm 750 mm Soil PAW Class represents the upper and lower limits of the soils that are generally irrigated in Otago in terms of the profile available water (PAW) of the soils. Between the upper and lower limits set out in Table 10A.4, a sliding scale is used to determine the relevant total seasonal demand. Total seasonal demand is the total amount of water required to satisfy plant water needs during the main growing period. This demand can be satisfied by rainfall and irrigation. In	Reject

							determining the irrigation component, provision has been made for: 1. an irrigation application efficiency of 80%; 2. a system capacity to meet peak demand (between 4mm/ha/day and 6.5 mm/ha/day); 3. a nominal irrigation season from 1 September to 30 April; 4. demand conditions that occur in nine out of ten years; and Effective irrigation season rainfall is the amount of rain that will contribute to crop growth over the nominal irrigation season. In determining this amount, provision has been made for: 1. rainfall that occurs on average in six out of ten years (which, together with a complementary seasonal irrigation allowance, is estimated to meet total water demand with a reliability of nine out of ten years based on analysis of long-term climate data); and 2. excluding daily rainfall amounts of less than 5 mm, or cumulative rainfall amounts in consecutive days in excess of 50 mm. Seasonal irrigation demand standard for a given soil PAW the depth of water (measured in millimetres) per hectare per year required to be supplied by irrigation to satisfy plant water demand after allowing for effective irrigation season rainfall.	
				FS706	Horticulture New Zealand	Support in part		Reject
Schedule 10A.4	128	71128	71128.04		Kye Farming Ltd	Oppose	Wishes to see the whole of PC7 withdrawn or undertake urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7	Reject
Schedule 10A.4	129	71129	71129.09		Pisa Holdings Limited, Rockburn Wines Limited, Mark II Limited, Chard Farm Trustees Limited, Albany Heights Limited, Stuart Douglas Hawker & Phillippa Mary Hawker (Shareholders in Deemed Permit 95789)	Oppose	Wishes to see the whole of PC7 withdrawn OR Amend PC7 as follows: 6. Delete Schedule 10A.4; 8. Amend to improve drafting and clarify relationships between provisions; 9. Make all such other changes and grant such other, further and alternative relief necessary to give effect to the reasons for this submission.	Accept in part

Schedule 10A.4	130	71130	71130.05		Manuherikia Catchment Group	Oppose	Wishes to see the whole of PC7 withdrawn. We seek the urgent but robust completion of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
Schedule 10A.4	132	71132	71132.07		Wataieri Holdings Limited	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative.	Reject
Schedule 10A.4	137	71137	71137.03		Omakau Area Irrigation Company Limited	Oppose	Wishes to see the whole of PC7 withdrawn, OR undertake urgent and robust completion of the limit setting plan change for the Manuherikia Catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7.	Reject
				FS712	Public Health South	Oppose		Accept
Schedule 10A.4	138	71138	71138.08		Phada Industries Ltd	Oppose	Wishes to see the whole of PC7 withdrawn, OR amended to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Schedule 10A.4	139	71139	71139.07		Terraces Irrigation Limited (“TIL”)	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to ensure that those who need to vary or change existing permits can do so without consideration under PC7, including the matter of consent duration. Those permit holders taking surface water (and connected groundwater) from the Clutha/Mata-Au River should not be included as the Clutha/Mata-Au is not fully allocated. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
				FS712	Public Health South	Oppose		Accept
Schedule 10A.4	140	71140	71140.06		Mount Earnslaw Station	Oppose	Wishes to see the whole PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject

Schedule 10A.4	142	71142	71142.07		Earl and Bernadine Attfield on behalf of The Waikerikeri Creek all water users group	Oppose	Wishes to see the whole of PC7 withdrawn or amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Schedule 10A.4	143	71143	71143.02		Trustpower Limited	Not stated	The primary relief sought is that there be no schedule that applies to hydroelectricity generation activities. The alternative relief sought is that an additional schedule be inserted as follows: <u>10A.5 Schedule: Methodology for calculating assessed actual usage for surfacewater takes for hydro-electricity generation purposes</u> <u>10A.5.1 Methodology for calculating 'Rate of Take Limit'</u> <u>The 'Rate of Take Limit' (litres per second – L/s) shall be determined by calculating the Average Maximum of the actual rate taken. In order to achieve this, the actual rate taken across the hydrological year (1 July to 30 June) will be analysed to determine the maximum rate taken at any time during that year. The maximum rate taken in each hydrological year will then be summed and divided by the number of years analysed.</u> <u>Methodology</u> <u>(1) Where a water meter records the volume of water taken over a fixed period of time, the rate of take will be calculated by converting the volume taken in litres by the interval recorded by the meter. For example, 10 m3 taken over a 15-minute period will equate to a rate of take of 11.11 L/s.</u> <u>(2) Any measurement that is at or below 0 L/s will be removed.</u> <u>(3) Any measurement that exceeds the authorised (consented) rate is rounded down to the authorised rate.</u> <u>(4) Hydrological years for inclusion in the 'maximum rate of take' calculation must:</u> <u>i) Be no drier than 75% probability of exceedance (i.e. P75 or wetter); or</u> <u>ii) Contain no greater than 10% cumulative scheme outages.</u> <u>(5) Errors caused by faulty equipment shall be removed from the data and not considered further.</u> <u>(6) The margin of error to be applied to any calculation will be either 5% or 10% depending on:</u> <u>a) the margin of error specified in any consent or permit being replaced, or</u> <u>b) the results of the last verification presented to the Otago Regional Council, or</u> <u>c) the margin of error specified by the meter's</u>	Accept in part

							manufacturer. (7) The maximum rate taken in each water year will be summed across the hydrological years analysed and divided by the number of hydrological years analysed.	
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose		Accept in part
				FS706	Horticulture New Zealand	Oppose		Accept in part
				FS705	Federated Farmers of New Zealand	Oppose		Accept in part
				FS714	Aukaha Ltd	Support in part		Accept in part
Schedule 10A.4	144	71144	71144.04		The Burn Limited	Oppose	Continue to process permits under the existing plan.	Reject
Schedule 10A.4	145	71145	71145.08		Knapdale Farms Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject

Schedule 10A.4	146	71146	71146.06		Queensbury Ridges Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Schedule 10A.4	147	71147	71147.07		Barley Station (Glencoe) Trust	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Schedule 10A.4	148	71148	71148.06		Ian Bathgate	Oppose	Wishes to see the Plan Change to be declined and removed. PC7 will undermine and stall any environmental and economic gains or opportunities for the Upper and Strath Taieri regions for at least the next decade.	Reject
Schedule 10A.4	150	71150	71150.07		Christopher McNally & Vanessa Jane May	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Schedule 10A.4	151	71151	71151.10		Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively mana whenua)	Support	Retain as notified.	Accept in part
				FS712	Public Health South	Support		Accept in part
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support in part		Accept in part
Schedule 10A.4	156	71156	71156.07		R W Naylor	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already.	Reject
Schedule 10A.4	158	71158	71158.07		Trade as A W & K L Glassford	Oppose	Wishes to see PC7 removed completely.	Reject

Schedule 10A.4	159	71159	71159.08		Landpro Limited	Oppose	Reject PC7 entirely or: Amend PC7 to introduce a much simpler rule that enables current permits to be effectively exercised as they are currently issued until the new Land and Water Plan is operative. Those permit holders willing and able to lodge their replacement applications before October 2021 should not be prevented from seeking the long-term consents that they need, as many have done already	Reject
Schedule 10A.4	164	71164	71164.07		Downs Irrigation Settlement	Oppose	1. Seeks that PC7 is declined in its entirety. 2. Seeks the urgent but robust completion of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments. This is a continuation of the existing work in the catchment prior to notification of PC7. 3. Supports and adopt the submission of the Otago Water Resource Users Group submission on Proposed Plan Change 7, and the submission of the Manuherikia Catchment Group, including the reasons for those submissions and the relief sought in those submissions.	Reject
Schedule 10A.4	167	71167	71167.08		Billee Patricia Marsh	Support	Methodology states: "Where a water meter records the volume of water taken over a fixed period of time, the rate of take will be calculated by etc". The submitter cannot find any reference to how water takes that are not metered, are calculated.	Accept in part
				FS714	Aukaha Ltd	Support		Accept in part
Schedule 10A.4	168	71168	71168.07		Beef and Lamb New Zealand Ltd and Deer Industry New Zealand	Oppose	The submitters seek that this provision is deleted in its entirety.	Reject
Schedule 10A.4	173	71173	71173.03		Clutha District Council and Waitaki District Council	Oppose	Remove this methodology as it currently stands.	Reject
				FS710	otago fish and game council and central south island fish and game council	Not stated		Reject
				FS714	Aukaha Ltd	Oppose		Accept
Schedule 10A.4	176	71176	71176.06		Galloway Irrigation Society Incorporated	Oppose	Relief Sought: a. We seek that PC7 is declined in its entirety. b. We seek the continuation of the limit setting plan change for the Manuherikia catchment, including both a minimum flow and allocation limit, based on robust hydrology, ecology information, analysis of reliability of supply, and completed cultural, economic and social impact assessments.	Reject

Schedule 10A.4	177	71177	71177.09		Federated Farmers of New Zealand - Otago and North Otago Provinces	Oppose	Federated Farmers opposes Schedule 10.4 Schedule and its Methodologies. Federated Farmers supports the approach taken in Schedule 10 of the Canterbury Land and Water Regional Plan, which has been well tested both by irrigators and through hearing processes. It uses soil type and effective irrigation season rainfall to determine the volume of water needed to meet demand in 9 out of 10 seasons. Federated Farmers also supports the approach highlighted within the submission and evidence of the Otago Water Resources User Group in regard to the Schedule and its methodologies.	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Oppose		Accept
				FS712	Public Health South	Oppose		Accept
				FS706	Horticulture New Zealand	Support in part		Reject
Schedule 10A.4	178	71178	71178.08		Central Otago District Council	Oppose	The submitter suggests that the approach of rounding any measured exceedances down to the authorised take in 10A.4.1(3), 10A.4.2(3), 10A.4.3(4) and 10A.4.4(4) not be limited to exceedances within the estimated margin of error of 5-10%.	Reject
Schedule 10A.4	185	71185	71185.09		Tinwald Farm Holdings Limited	Oppose	Decline PC7 in its entirety. OR Decline PC7 in its entirety and amend existing policies and methods in the Regional Plan: Water for Otago. OR Decline PC7 in its entirety and replaced with simple transitional objectives and policies, implemented by a permitted activity rule, and Supporting methods (see submission for explanation of each of these methods)	Reject
Schedule 10A.4	230	71230	71230.06		Davison Agriculture Ltd	Not stated	That PC7 is declined in its entirety; or That PC7 is declined in its entirety and amendments are made to existing policies and methods in the RPW That PC7 is declined in its entirety and replaced with i. Simple transitional objectives and policies; ii. Implemented by a permitted activity rule; and iii. Supporting methods	Reject
Schedule 10A.4	240	71240	71240.05		Wakefield Estates Limited	Oppose	I would like to see new water permits issued for 35 year terms where there is clear evidence provided that effects on other parties are minimal Allowance for new irrigable areas within new permit limits Review rules around bore takes around Lake Dunstan as the rules outside 100m are too restrictive	Reject
Schedule 10A.4	251	71251	71251.01		Southern Lakes Holdings Limited	Support	Amendments are required to Schedule 10A.4.4 to remove seasonal averaging and return the limits to reflect the irrigation infrastructures installed and accommodate dry seasons (or maximum annual usage)	Accept in part
				FS705	Federated Farmers of New Zealand	Support in part		Accept in part

Schedule 10A.4	251	71251	71251.02		Southern Lakes Holdings Limited	Support	Amendments are required to 10A.4.4 to allow for irrigation infrastructures that were incomplete or under commissioning during the period 2012-2017.	Accept in part
				FS705	Federated Farmers of New Zealand	Support		Accept in part
Schedule 10A.4.1		70012	70012.03		Mervyn Mitchell	Oppose	Decline the plan change	Reject
Schedule 10A.4.1		70020	70020.04		Southern District Health Board	Support	Adopt Schedule 10A.4.1 in its proposed form	Accept in part
Schedule 10A.4.1		70036	70036.08		Aotearoa New Zealand Fine Wine Estates Limited Partnership	Support	Amend the methodologies for calculating Rate of Take Limit, Daily Volume Limit, Monthly Volume Limit and Annual Volume Limit by including, in each methodology, recognition of reasonable and efficient use with 9 in 10 years reliability.	Reject
Schedule 10A.4.1	041	71041	71041.03		Carrick Station and Carrickburn Limited	Oppose	Wishes to see the whole of PC7 withdrawn and ORC to process further water permit applications under the current Plan.	Reject
Schedule 10A.4.1	060	71060	71060.06		Hawkdun Idaburn Irrigation Co	Oppose	If the whole PC7 is not withdrawn, the submitter requests that all reference to averaging of annual takes is removed.	Accept in part
				FS712	Public Health South	Oppose		Reject
Schedule 10A.4.1	131	71131	71131.10		Horticulture New Zealand	Oppose in Part	Amend to include recognition of reasonable and efficient use with 9 in 10 years reliability.	Reject
Schedule 10A.4.1	174	71174	71174.10		Te Ao Marama	Support	Ensure that Schedule 10A.4, 10A.4.1 Methodology for calculating 'Rate of Take Limit', is subject to up to date tests regarding reasonable and efficient use of water for all proposed water uses.	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
				FS712	Public Health South	Support		Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support		Reject
Schedule 10A.4.1(5)		70052	70052.03		Wise Response Society Inc	Support	Clarify whether reference to 'margin of error' is plus, minus or total.	Accept in part
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Accept in part
Schedule 10A.4.2		70020	70020.05		Southern District Health Board	Support	Adopt Schedule 10A.4.2 in its proposed form	Accept in part
Schedule 10A.4.2	131	71131	71131.11		Horticulture New Zealand	Oppose in Part	Amend to include recognition of reasonable and efficient use with 9 in 10 years reliability.	Reject
				FS705	Federated Farmers of New Zealand	Support		Reject
Schedule 10A.4.2	174	71174	71174.11		Te Ao Marama	Support	Ensure that Schedule 10A.4, 10A.4.2 Methodology for calculating Daily Volume Limit (m3), is subject to up to date tests regarding reasonable and efficient use of water for all proposed water uses.	Reject
				FS713	Royal Forest and Bird Protection Society of New Zealand Inc	Support		Reject
				FS712	Public Health South	Support		Reject

				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support		Reject
Schedule 10A.4.3		70020	70020.06		Southern District Health Board	Support	Adopt Schedule 10A.4.3 in its proposed form	Accept in part
Schedule 10A.4.3	060	71060	71060.07		Hawkdun Idaburn Irrigation Co	Oppose	If the whole PC7 is not withdrawn, the submitter requests that all reference to averaging of annual takes is removed.	Accept
				FS712	Public Health South	Oppose		Reject
Schedule 10A.4.3	131	71131	71131.02		Horticulture New Zealand	Oppose in Part	Amend to include recognition of reasonable and efficient use with 9 in 10 years reliability.	Reject
				FS705	Federated Farmers of New Zealand	Support		Reject
Schedule 10A.4.3	174	71174	71174.01		Te Ao Marama	Support	Ensure that Schedule 10A.4, 10A.4.3 Methodology for calculating Monthly Volume Limit (m3), is subject to up to date tests regarding reasonable and efficient use of water for all proposed water uses.	Reject
				FS712	Public Health South	Support		Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support		Reject
				FS705	Federated Farmers of New Zealand	Support in part		Reject
Schedule 10A.4.3	251	71251	71251.03		Southern Lakes Holdings Limited	Support	Amendments are required to 10A.4.3 to remove seasonal averaging and return the limits to reflect the irrigation needs of the dry month long period (or maximum 31 day usage).	Accept in part
				FS705	Federated Farmers of New Zealand	Support in part		Accept in part
Schedule 10A.4.3(2)	251	71251	71251.04		Southern Lakes Holdings Limited	Support	Amendments are required to 10A.4.3 (2) to remove the definition of the month as a 'calendar month' and replace this with a 'moving average window of 31 days'.	Reject
				FS705	Federated Farmers of New Zealand	Support in part		Reject
Schedule 10A.4.4		70012	70012.04		Mervyn Mitchell	Oppose	Decline the plan change	Reject
Schedule 10A.4.4		70020	70020.07		Southern District Health Board	Support	Adopt Schedule 10A.4.4 in its proposed form	Accept in part
Schedule 10A.4.4	060	71060	71060.08		Hawkdun Idaburn Irrigation Co	Oppose	If the whole PC7 is not withdrawn, the submitter requests that all reference to averaging of annual takes is removed.	Accept
				FS712	Public Health South	Oppose		Reject
Schedule 10A.4.4	131	71131	71131.03		Horticulture New Zealand	Oppose in Part	Amend to include recognition of reasonable and efficient use with 9 in 10 years reliability.	Reject
				FS705	Federated Farmers of New Zealand	Support		Reject
Schedule 10A.4.4	174	71174	71174.03		Te Ao Marama	Support	Ensure that Schedule 10A.4, 10A.4.4 Methodology for calculating Annual Volume Limit (m3), is subject to up to date tests regarding reasonable and efficient use of water for all proposed water uses.	Reject

				FS712	Public Health South	Support		Reject
				FS710	Otago Fish and Game Council and Central South Island Fish and Game Council	Support		Reject
				FS705	Federated Farmers of New Zealand	Support in part		Reject
Table of minor and consequential changes	151	71151	71151.02		Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively mana whenua)	Support	Retain as notified.	Accept in part
				FS712	Public Health South	Support		Accept in part
				FS710	Otago fish and game council and central south island fish and game council	Support in part		Accept in part
Table of minor and consequential changes	168	71168	71168.08		Beef and Lamb New Zealand Ltd and Deer Industry New Zealand	Oppose	The submitter seeks that this section is deleted.	Reject

Annexure 8: Plan Change 7 Provisions

Insert the following text as two new paragraphs at the end of the section entitled 'How to Use the Regional Plan: Water'

[1] Applications for water permits to replace Deemed Permits or to replace water permits that expire before 31 December 2025 will be assessed in accordance with the objective, policies and rules set out in Chapter 10A of this Regional Plan: Water.

[2] Applications for water permits that are not replacing either a Deemed Permit or an existing water permit that expires before 31 December 2025, will be assessed in accordance with the provisions in Chapters 5, 6, 12 and 20, except that the duration of any water permit will be determined in accordance with the policies in Chapter 10A.

Insert the following new Chapter in the Water Plan immediately following Chapter 10

10A

Objective, Policies & Rules for Replacement Water Take & Use Permits

10A.1 Objective

10A.1.1 Facilitate an efficient and effective transition from the operative freshwater planning framework toward a new integrated regional planning framework, by managing:

(a) the take and use of freshwater ~~not previously authorised by a water permit~~; and

(b) the replacement of Deemed Permits, and

(c) the replacement of water permits for takes and uses of freshwater where those water permits expire prior to 31 December 2025.

10A.2 Policies

Replacement consents

10A.2.1 Irrespective of any other policies in this Plan, avoid granting resource consents that replace Deemed Permits, or water permits for takes and uses of 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:

(a) The Deemed Permit or water permit that is being replaced is a valid permit; and

(b) There is no increase in the area under irrigation, except where any additional area to be irrigated is only for orchard ~~and/~~or viticulture land uses and all mainline irrigation pipes servicing that additional area were installed before 18 March 2020; and

(c) Any existing residual flow, minimum flow or take cessation condition is applied to the new permit; and

(d) For takes other than community water supplies there is no increase in:

(i) ~~there is no increase in~~ the historical instantaneous rate of abstraction; and

(ii) ~~there is no increase in~~ any historical volume of water taken.

Duration

10A.2.2 Irrespective of any other policies in this Plan concerning consent duration, only grant resource consents for takes and~~/or~~ uses of freshwater, where this activity was not previously authorised by a Deemed Permit or by a water permit expiring prior to 31 December 2025, for a duration of no more than six years.

10A.2.3 Irrespective of any other policies in this Plan concerning consent duration, avoid granting 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 more than six years; except:

(x) where the take and use of water replaces a Deemed Permit associated with hydro-electricity generation infrastructure listed in Schedule 10A.5.1 and the applicant takes practicable steps to remedy or mitigate any adverse effects on the environment arising from the activity.

Deemed Permits

10A.2.4 Where the flow at the point of take of a Downstream Permit with a Higher Right of Priority is insufficient to supply that permit, the holder of an Upstream Replacement Water Permit may be required to cease taking water.

10A.3 Rules

Note 1: If the application is for a resource consent for the taking and use of water and the activity was not previously authorised by an existing Deemed Permit or by a water permit expiring before 31 December 2025, refer to the rules in Chapter 12 of this Plan.

Note 2: Where, under Rule 10A.3.1.1, any of entry conditions (iii), (iv) and (vi) do not apply to an activity for which resource consent is sought, that condition is deemed to be met.

Note 3: The matters of control in Rule 10.3.1.1 and matters of discretion in Rule 10A.3.1A.1 refer to 'existing water permit conditions'. The phrase 'existing water permit conditions' is to be interpreted as applying to both Deemed Permits and existing water permits referred to in the entry conditions to the rules.

10A.3.1 Controlled activity: Resource consent required

10A.3.1.1 Despite any other rule or rules in this Plan:

(a) any activity that is currently authorised under a Deemed Permit; or

(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;

is a ***controlled*** activity provided the following conditions are met:

(i) the consent duration sought is no more than six years; and

(ii) the Deemed Permit or water permit that is being replaced is a valid permit; and

(iii) the application demonstrates that the total land area under irrigation does not exceed the maximum area irrigated in the period 1 September 2017 to 18 March 2020, if the abstracted water is used for irrigation except where:

(aa) any additional area to be irrigated is only for orchard or viticulture land uses and all mainline irrigation pipes servicing that additional area were installed before 18 March 2020; and

(iv) except where (vii) applies, the rate of take shall be no more than the rate of take limit recorded during the water years (1 July to 30 June) for which water meter data is available up until 30 June 2020, as calculated in accordance with the methodology in Schedule 10A.4; and

(v) any existing residual flow, minimum flow, or take cessation condition (whichever is applicable) on the expiring Deemed Permit or water permit is included in the application for resource consent; and

(vi) except where (vii) applies, the volume of water taken shall be no more than the daily volume limit, and monthly volume limit, and annual volume limit (whichever one or more are applicable) recorded during the water years (1 July to 30 June) for which water meter data is available up until 30 June 2020, as calculated in accordance with the methodology in Schedule 10A.4; and

(vii) for takes authorised by a Deemed Permit~~s~~ or water permit~~s~~ where metering is not required by condition of resource consent or by the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, the rate of take and the volume of water sought is no more than the existing consented instantaneous rate of take and volumes; and

(viii) where the application is to replace an Upstream Deemed Permit that was subject to a Downstream Permit with a Higher Right of Priority, the applicant proposes a condition:

(a) to cease taking water when:

(i) there is insufficient flow at the point of take of the Downstream Permit with a Higher Right of Priority; and

(ii) notice has been given by the holder of the Downstream Permit with a Higher Right of Priority; and

(b) requiring the provision of a Contact Management Plan to the Consent Authority.

The Council reserves control over the following matters:

(a) in accordance with historical use and existing water permit conditions, the volume and rate of water taken, dammed, discharged or diverted; and

(x) where (iii)(aa) applies, the maximum size of the additional area to be irrigated and use of good management practices on the additional area; and

(b) any existing consent conditions concerning operating procedures administered through a water allocation committee that exists for the catchment; and

(c) any other conditions on the expiring permit to be replaced, where those matters are not otherwise addressed by the entry conditions of this rule or matters of control; and

(d) a condition may be imposed requiring the holder of an Upstream Replacement Water Permit:

(i) to cease taking water when:

(ia) there is insufficient flow at the point of take authorised by a Downstream Permit with a Higher Right of Priority; and

(ib) notice has been given by the holder of the Downstream Permit with a Higher Right of Priority; and

(ii) requiring the provision of a Contact Management Plan to the Consent Authority; and

(e) review conditions; and

(f) compliance monitoring; and

(g) the point and method of measurement and the method for transmitting recorded data to Council.

Pursuant to sections 95A and 95B of the RMA, an application for resource consent under this rule will be processed and considered without public or limited notification.

10A.3.1A Restricted discretionary activity: Resource consent required

10A.3.1A.1 Despite any other rule or rules in this Plan:

(a) any activity that is currently authorised under a Deemed Permit; or

(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;

is a **restricted discretionary** activity providing the following conditions are met:

(i) the activity meets conditions (i), (ii), (iii), (v), ~~and~~ and (viii) of Rule 10A.3.1.1 but does not meet ~~condition (iii) or~~ conditions (iv) and (vi); and

(ii) Where the activity does not meet (iv) and (vi) of Rule 10A.3.1.1 a water meter for the take has been installed, or an exemption under the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 from water metering has been granted; and

The Council will restrict its discretion to the following matters:

(a)

(i) whether the water meter data in combination with other relevant methods and data accurately represents historical use; and

(ii) whether the volume and rate taken, dammed, discharged or diverted is in accordance with the historical rate of take and volume and within existing water permit conditions; and

(aa) for community water supplies, within existing water permit volume and rate limits, the extent to which there is a need to provide for population growth within the term of the consent; and

(bb) where 10A.3.1.1 (iii)(aa) applies, the maximum size of the additional area to be irrigated and use of good management practices on the additional area; and

(b) any existing consent conditions concerning operating procedures administered through a water allocation committee that exists for the catchment; and

(c) any other conditions on the expiring permit to be replaced, where those matters are not otherwise addressed by the entry conditions of this rule or matters of discretion; and

(d) a condition may be imposed requiring the holder of an Upstream Replacement Water Permit:

(i) to cease taking water when:

(ia) there is insufficient flow at the point of take authorised by a Downstream Permit with a Higher Right of Priority; and

(ib) notice has been given by the holder of the Downstream Permit with a Higher Right of Priority; and

(ii) requiring the provision of a Contact Management Plan to the Consent Authority; and

(e) review conditions; and

(f) compliance monitoring; and

(g) the point and method of measurement and the method for transmitting recorded data to Council.

Pursuant to sections 95A and 95B of the RMA, an application for resource consent under this rule will be processed and considered without public or limited notification.

10A.3.1B.1 Restricted discretionary activity (hydro-electricity generation activities)

Despite any other rule or rules in this Plan, any activity that is currently authorised under a Deemed Permit where the take and use of water is for hydro-electricity generation infrastructure listed in Schedule 10A.5.1, is a **restricted discretionary** activity providing the following conditions are met:

(i) the consent duration sought expires no later than 2035; and

(ii) the Deemed Permit that is being replaced is a valid permit; and

(iii) for takes authorised by a Deemed Permit where metering is not required by a condition of resource consent or by the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010, the rate of take and the volume of water sought is no more than the existing consented instantaneous rate of take and volumes; and

(iv) any existing residual flow, minimum flow, or take cessation condition (whichever is applicable) on the expiring Deemed Permit is included in the application for resource consent; and

The Council will restrict its discretion to the following matters:

(a) (i) whether the water meter data in combination with other relevant methods and data accurately represents historical use; and

(ii) whether the volume and rate of take is in accordance with the historical volume and rate of take, and within ~~existing water permit~~ the conditions of the expiring Deemed Permit; and

(b) any other conditions on the expiring Deemed Permit to be replaced where those matters are not otherwise addressed by the entry conditions of this rule or matters of discretion; and

(c) review conditions; and

(d) compliance monitoring; and

(e) the point and method of measurement and the method for transmitting recorded data to the Council; and

(f) the methods available to remedy or mitigate any adverse effects on the environment arising from the activity.

10A.3.2 Non-complying activity: Resource consent required

10A.3.2.1 Despite any other rule or rules in this Plan:

(a) any activity that is the replacement of an activity authorised under a Deemed Permit; or

(b) the take and~~/or~~ 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;

that does not meet any one or more of the conditions of

(i) Rule 10A.3.1.1;

(ii) Rule 10A.3.1A.1;

(iii) Rule 10A.3.1B.1

is a ***non - complying*** activity.

10.3A Definition

Valid permit

In the context of Chapter 10A, means a resource consent or Deemed Permit that

(1) has not expired; or

(2) has expired but where the consent holder can still exercise the permit under s124 of the RMA; or

(3) has not been surrendered under s138 of the RMA; or

(4) has not been cancelled under s126 of the RMA; or

(5) has not lapsed under s125 of the RMA.

Mainline irrigation pipes

The primary permanently installed pipelines delivering water to the irrigated area including the connections to the headworks at the pumping location.

Take cessation condition

Means a condition that limits or restricts the taking of water under specified circumstances, including:

(a) during certain times or periods across the year;

(b) when other water permits within the catchment or from the same water body are being exercised;

(c) when water is being abstracted under the same water permit at an alternative point of take;

(d) when recharge, water yield or inflows into the catchment or water body from which water is being taken is below a specified flow or water level.

Deemed Permit

has the same meaning as s413 of the RMA and includes any deemed condition conferring a right of priority.

Downstream Permit with a Higher Right of Priority

means a Deemed Permit that had not been replaced by a resource consent commencing before 2 October 2021, that was subject to a right entitling the permit holder to require the holder of an Upstream Deemed Permit to cease taking water.

Upstream Deemed Permit

means a Deemed Permit that has not been replaced by a resource consent commencing before 2 October 2021, that was subject to a right of priority entitling a Downstream Permit with a Higher Right of Priority to require the holder of an Upstream Deemed Permit to cease taking water.

Upstream Replacement Water Permit

means a resource consent granted under the RMA to replace an Upstream Deemed Permit.

Contact Management Plan

A plan that records up-to-date contact details for the consent holder to be served written notice (which may be an email address) and an acknowledgement that the contact details can be provided to a permit holder with a higher right of priority by the Otago Regional Council.

Insufficient flow

where the flow is below the level at which the holder of a Downstream Permit with a Higher Right of Priority is able to abstract water at their authorised rate of take.

Notice

A communication in writing sent to the contact details recorded in the Contact Management Plan and copied to the Consent Authority that contains the following detail:

(a) the name and consent number of the Consent Holder giving notice;

(b) the name and consent number of the Consent Holder required to cease taking water;

(c) date and time of notice issue;

(d) an instruction to cease taking water; and

(e) a start date and time and end date and time for the cessation; the cessation period must not be longer than 72 hours from when the cessation commences.

10A.4 Schedule: Methodology for calculating assessed actual usage for surface-water and connected groundwater takes

The methodologies in Schedules 10A.4.1 to 10A.4.4 outline the different steps that need to be taken to calculate the assessed actual usage for surface-water and connected groundwater takes.

Each of these steps apply to any activity authorised by a water permit for the take and use water, except for steps 4(a) to (g) in Schedule 10A.4.1 and steps 4(a) to (h) in Schedule 10A.4.2, which do not apply to applications for:

- the take and use of water for community water supplies; or
- the take and use of water where the only purpose is for hydro-electricity generation.

Note 1: Where 'consent' or' permit' is used in Schedule 10A.4 this means the Deemed Permits and existing water permits in the entry conditions to Rule 10A.3.1.1.

10A.4.1 Methodology for calculating 'Rate of Take Limit'

The 'Rate of Take Limit' (litres per second – l/s) shall be determined by calculating the maximum rate of take taken in all water years (1 July to 30 June) up until 30 June 2020 for which water meter data is available, using the following methodology.

Methodology

(1) Water meters record rate of take over different time intervals.

a. Where a water meter records a volume of water taken over a fixed time interval which is less than or equal to an hour, the rate of take will be determined by first calculating the hourly volume and then converting this to a l/s rate. For example, 40 m^3 taken over one hour will equate to a rate of take of 11.11 l/s.

b. Where a water meter records the volume of water taken over an interval of time greater than an hour, the hourly rate of take will be calculated and used as the base data set.

(2) Any measurement that is at or below 0 l/s will be removed.

(3) Any measurement that exceeds the Authorised (Consented) Rate of Take is adjusted down to the Authorised Rate of Take.

(4) If any measurement (including those from step 3) deviates from the general pattern of taking, it shall be adjusted down to the maximum of the typical data record across the full data record. The methodology for undertaking this step is set out below:

(a) Order the rate of take data by size (descending order).

(b) Determine D, where D is the number of complete water years covered by the record being considered.

(c) Calculate N (where N is the number of measurements) = 18+(3×D).

(d) Find the highest value.

(e) Calculate the number of other data values which are within the margin of error of that value.

(f) Repeat steps (d) and (e) until the first value which has N data values within the margin of error (+ and -) of that value is found.

(g) This number is the maximum typical rate of take.

The margin of error to be applied to any calculation in steps (4)(e) and (4)(f) will be either ±5% for piped takes or ±10% for water taken by any other method, including by any open channel or a partially full pipe.

Steps 4 (a) to (g) above do not apply to applications for community water supplies or where the only purpose is for hydroelectricity generation.

(5) 'Rate of Take Limit' (litres per second – l/s) will be determined as the maximum value after steps (1) to (4) have been completed.

10A.4.2 Methodology for calculating Daily Volume Limit (m^3)

The 'Daily Volume Limit' shall be determined by calculating the maximum ~~'~~daily volume~~'~~ taken in all water years (1 July to 30 June) up until 30 June 2020 for which water meter data is available, using the following methodology.

Methodology

(1) Where a consent or permit being replaced does not include a 'Daily Volume Limit', the Authorised Daily Volume will be calculated based on the following formula:

Authorised Daily Volume m^3 = ((Consented Rate of Take l/s) x 86,400)/1,000

Where a consent or permit does not specify a rate of take in l/s the Consented Rate of take will be determined by dividing the volume specified on the permit over the shortest duration by the timeframe over which that volume can be taken.

(2) Any measurement that is at, or below, 0 m^3 will be removed.

(3) ~~Any day that exceeds the Authorised Daily Volume is adjusted down to the Authorised Daily Volume.~~ On any day where the Actual Daily Volume exceeds the Authorised Daily Volume, the Actual Daily Volume is adjusted down to the Authorised Daily Volume.

(4) If any measurement (including those from step 3) deviates from the general pattern of taking, it shall be adjusted down to the maximum of the typical data record across the full data record. The methodology is set out below:

(a) Order the daily volume data by size (descending order).

(b) Determine D, where D is the number of complete water years covered by the record being considered.

(c) Calculate N (where N is the number of measurements) = 1+(2xD).

(d) Find the highest value.

(e) Calculate the number of other data values which are within the margin of error of that value.

(f) Repeat steps (d) and (e) until the first data value which has N data values within the margin of error (+ and -) of that point is found.

(g) This number is the maximum typical daily volume.

(h) Adjust any daily volumes above the maximum typical daily volume, down to the maximum typical daily volume.

The margin of error to be applied to any calculation in steps (4)(e) and (4)(f) will be either ±5% for piped takes or ±10% for water taken by any other method, including by any open channel or a partially full pipe.

Steps 4 (a) to (h) above do not apply to applications for community water supplies or where the only purpose is for hydroelectricity generation.

(5) The 'Daily Volume Limit' will be determined as the maximum value after steps (1) to (4) above have been completed.

10A.4.3 Methodology for calculating Monthly Volume Limit (m^3)

The 'Monthly Volume Limit' shall be determined by calculating the maximum ~~'~~monthly volume~~'~~ taken in all water years (1 July to 30 June) up until 30 June 2020 for which water meter data is available, using the following methodology

Methodology

(1) Where a consent or permit being replaced does not include a 'Monthly Volume Limit' the Authorised Monthly Volume will be calculated based on the following formula:

Authorised Monthly Volume m^3 = Authorised Daily Volume (as determined under Step (1) in the methodology in Schedule 10A.4.2) x 30.4

(2) Actual Monthly Volumes will be calculated based on the sum of the daily volumes taken in each calendar month. For the purposes of this calculation daily volumes will be determined using the steps (2) – (4) in the methodology set out in 10A.4.2 for calculating the Daily Volume Limit.

(3) In any month ~~Any month~~ where the Actual Monthly Volume taken exceeds the Authorised Monthly Volume, the Actual Monthly Volume is adjusted down to the Authorised Monthly Volume.

(4) The 'Monthly Volume Limit' will be determined as the maximum value after steps (1) to (3) above have been completed.

10A.4.4 Methodology for calculating Annual Volume Limit (m^3)

The 'Annual Volume Limit' shall be determined by calculating the maximum ~~'~~annual volume~~'~~ taken in all water years (1 July to 30 June) up until 30 June 2020 for which water meter data is available, using the following methodology.

Methodology

(1) Where a consent or permit being replaced does not include an 'Annual Volume Limit' the Authorised Annual Volume will be calculated based on one of the following formulae. The formula used will be whichever one produces the lower calculated Authorised Annual Volume;

Authorised Annual Volume m^3 = Authorised Daily Volume (as determined under Step (1) in the methodology in Schedule 10A.4.2) x 365.25;

Authorised Annual Volume m^3 = (Consented Monthly Volume) x (Months where water can be taken)

Where the consent or permit being replaced specifies the months during which water can be taken, a count of those months will be used. Where the consent or permit being replaced does not specify the months during which water can be used the number used will be 12.

(2) Actual Annual Volumes will be calculated based on the sum of the daily volumes taken in each water year. For the purposes of this calculation daily volumes will be determined using the steps (2) – (4)~~-~~in the methodology set out in 10A.4.2 for calculating the Daily Volume Limit.

(3) In any year ~~Any year~~ where the Actual Annual Volume taken exceeds the Authorised Annual Volume, the Actual Annual Volume is adjusted down to the Authorised Annual Volume.

(4) The 'Annual Volume Limit' will be determined as the maximum value after steps (1) to (3) above have been completed.

Schedule 10A.5.1 Hydro-electricity generation infrastructure

Beaumont Race	*Beaumont* NZTM 2000 E1340136 N4930132 *Little Beaumont River* NZTM 2000 E1339935 N4929937
Shepherds Race	NZTM 2000 E1362725 N4911571
Crystals Race	*Crystals* NZTM 2000 E1367994 N4913862 *Little Crystals* NZTM 2000 E1367902 N4913442
Deep Stream	NZTM 2000 E1352919 N4930808

Table of minor and consequential changes

<table>
<tr><th>Plan Provision</th><th>Detail of proposed change</th></tr>
<tr><td>Page numbers</td><td>Update page numbers.</td></tr>
<tr><td>Footers</td><td>Change footer to read “Regional Plan: Water for Otago (Updated to <<i>date to be inserted</i>>)”.</td></tr>
<tr><td>Title page</td><td>Change the date to read “Updated to <<i>date to be inserted</i>>”.</td></tr>
<tr><td>ISBN number</td><td>Obtain new ISBN numbers for Regional Plan: Water for Otago.</td></tr>
<tr><td>Chronicle of key events</td><td>Add the following to the end of table:
<table>
<tr><th>Key event</th><th>Date notified</th><th>Date decisions released</th><th>Date operative</th></tr>
<tr><td>Plan Change 7 (Water Permits) to the Regional Plan: Water</td><td><<i>Date to be inserted</i>></td><td><<i>Date to be inserted</i>></td><td><<i>Date to be inserted</i>></td></tr>
</table></td></tr>
<tr><td>Section 1.4</td><td>Proposed Plan Change 7 (Water Permits) provides an interim regulatory framework for the assessment of applications to replace Deemed Permits expiring in 2021 and other water permits expiring prior to 31 December 2025, the date by which the new land and water Regional Plan is expected to be operative.

<u>The Plan Change also has a new policy on duration that applies to all other permits to take and use water</u>.</td></tr>
</table>

Plan Provision	Detail of proposed change
	It was notified on …, and a total of ... submissions and … further submissions were received. Following the hearing, decisions on submissions received were released on … . Plan Change 7 was made operative on … .

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

Decision No. [2020] NZEnvC 064

IN THE MATTER	of the Resource Management Act 1991
AND	of appeals pursuant to s 120 of the Act
BETWEEN	ENDSLEIGH COTTAGES LTD
	(ENV-2018-WLG-000059)
	AL & JH MAURENBRECHER AND DJO & HA EVANS
	(ENV-2019-WLG-000120)
	Appellants
AND	HASTINGS DISTRICT COUNCIL
	Respondent

Court:	Environment Judge MJL Dickey Environment Commissioner IM Buchanan Environment Commissioner ACE Leijnen
Hearing:	11-13 June and 16-17 September 2019 Final submissions received 16 October 2019
Appearances:	MB Lawson for Endsleigh Cottages Limited J Maassen for AL & JH Maurenbrecher and DJO & HA Evans M Williams for Hastings District Council
Date of Decision:	19 May 2020
Date of Issue:	19 May 2020

DECISION OF THE ENVIRONMENT COURT

A: The appeals are dismissed.

B: Costs are reserved. Any application for costs is to be filed within 20 working days of the issue of this decision. Any reply is to be filed within a further ten working days.

Table of contents

A. Introduction 3

B. Background 4

Why consent is required 6

C. The issues 7

D. Statutory considerations 9

E. Versatile land? 10

F. Statutory Evaluation - Resource Management Act 1991 23

Section 104D 23

Section 104(1) 24

Effects (s 104(1)(a)) 24

Relevant Policy Statement and Plan provisions (s 104(1)(b)) 24

Other matters (s 104(1)(c)) 38

G. National Policy Statement on Urban Development Capacity 55

H. Commissioner's and Council's decisions 59

I. Overall evaluation 59

Attachment A 64

Attachment B 65

REASONS

A. Introduction

[1] This proceeding involves two appeals arising from two separate applications for subdivision consent.

[2] The first application from AL and JH Maurenbrecher and DJO and HA Evans relates to 52 and 80 Raymond Road, Haumoana and sought to create a total of 12 rural lifestyle lots. The properties are not contiguous and are in separate ownership, with site areas of 6 ha and 4.6412 ha respectively. Mr and Mrs Maurenbrecher (**Maurenbrecher**) own 52 Raymond Road and Mr and Mrs Evans (**Evans**) own 80 Raymond Road.

[3] The application was received by the Council on 19 September 2017 and was processed as a limited notified application, resulting in two submissions in opposition. Written consents were provided from a further eight landowners adjacent to and opposite the sites.

[4] A Commissioner appointed by the Hastings District Council (**the Council**) declined resource consent in a decision dated 30 August 2018. Maurenbrecher and Evans lodged an appeal with the Court on 20 September 2018.

[5] The second application was from Endsleigh Cottages Limited (**Endsleigh**) in respect of a property at 42 Raymond Road comprising approximately 20.712ha. Subdivision consent was sought to subdivide the site so as to create five lots, with four intended to serve as residential lifestyle lots and the remaining fifth as a productive orchard lot. We note that this lot was established through amalgamation in exchange for a lifestyle lot created in 2001.[1]

[6] The application was made on 6 September 2017 and processed as a non-notified application. The application was refused consent under delegated authority on 5 February 2018. An objection under s 357 of the Resource Management Act 1991 (**RMA**) was dismissed by the Council's hearings committee on 14 May 2018. An appeal was lodged with the Court on 30 May 2018.

[1] Transcript 16-17 September 2019 (**Resumed Hearing**), page 6 line 25 to page 7 line 8.

[7] With the agreement of the parties, the two appeals were the subject of concurrent mediation on 7 February 2019. Following that mediation, a number of revised proposals were presented on behalf of Maurenbrecher and Evans. The proposal for Endsleigh remained the same.

[8] Counsel for Maurenbrecher and Evans was asked to confirm what proposal the Maurenbrechers and Evans wanted to advance for the purposes of a decision from the Court. We were advised that the Maurenbrechers would pursue "their optimal outcome", being a six-lot scheme with mitigation. For the Evans family it is a four-lot subdivision.[2]

[9] Counsel for the Council advised that it took no issue with those amendments as a matter of fairness, scope or jurisdiction.[3]

[10] The Endsleigh proposal was the same as that applied for.

[11] The s 274 party to the Maurenbrecher and Evans appeal, Mr Gunn, advised the Court before the hearing that he did not intend to appear and present evidence.

B. Background

[12] The sites are located on the northern side of Raymond Road, which is near the small coastal settlement of Haumoana. The settlement is south of the Tukituki River approximately 12km south of Napier and 10km east of Hastings. Beyond the settlement and along the coastal margins to Clifton, sporadic settlement is interspersed with vineyards and a farm park. The Parkhill Farm Park is on elevated land on the south-western side of the Raymond/Parkhill intersection. This development has a rural-residential character, encompassing a total area of 73ha, in which there are 36 dwellings amidst grape vines and pasture. A small number of dwellings and building sites associated with the Farm Park front Raymond Road and the remainder of Raymond Road has a mix of lot sizes used for a variety of purposes, including pastoral farming, vineyards and horticulture, along with residential buildings.[4]

---

[2] Opening submissions for Maurenbrecher and Evans (**M & E**) at [19], referring to Tab 17 and Tab 25 of the appellants' bundle.

[3] Respondent's opening submissions at [23].

[4] Commissioner's hearing decision dated 30 August 2018 on the M & E proposal, paragraph 12 (Document Bundle (**DB**) [1], page 446).

[13] Haumoana Primary School is located at the corner of Raymond Road and Parkhill Road. There is a kindergarten on the same site.[5]

[14] All the sites are elevated above the land to the north by a terrace of 1.5m-3.5m. This is clearly visible within the Maurenbrecher property at 52 Raymond Road and the Endsleigh property at 42 Raymond Road, whereas it appears to have been modified and is less distinct within the Evans property further west at 80 Raymond Road. The sites can be described as follows:

- The site at 42 Raymond Road comprises approximately 20.7ha and is split in topography to form two distinct large land parcels. On the upper portion (the terrace) of the site there is a dwelling and implement shed. Approximately 2ha of orchard trees sit between the existing dwelling and Raymond Road.[6] The balance land is located on a lower platform (some 3.5m below the upper level). It obtains primary access from Palomino Road and is cropped with apples under a long-term lease arrangement.[7]

- 52 Raymond Road comprises 6ha, has a single dwelling at the northernmost edge of the L-shaped site. In close proximity to the house is a swimming pool, cool store, packing shed and carport. Further away are a series of small structures including a shop for the retail sale of berry fruit grown on the site.[8] It is partly planted in berries and apples.

- 80 Raymond Road comprising approximately 4.64ha, is an almost square site with a main dwelling, a secondary dwelling and a visitor accommodation unit located close to the road frontage. The remaining land comprises pasture, planted vegetation and a small wetland area.[9]

- Both 52 and 80 Raymond Road are wholly located on the terrace which divides number 42 and extends to the east and west of these properties and aligns with the Duric Perch-gley Pallic Soils (see diagrams in Attachment A).[10]

---

5 Above note 4, paragraph 13.
6 MP Holder, evidence-in-chief (**EIC**), paragraph 10.
7 MP Holder, EIC, paragraph 11.
8 Attachment A to DB [1], page 53.
9 Commissioner's hearing decision dated 30 August 2018 on the M & E proposal, paragraphs 15 and 16 (DB [1], page 446).
10 AM Coats, evidence in rebuttal (**EIR**): Proarch diagrams (Evidence Bundle (**EB**) pages 709 and 710).

[15] We undertook a site visit to the appellants' properties and drove around the area. We obtained a good understanding of the characteristics of each of the properties and of the surrounding area.

[16] We heard evidence from Mr Maurenbrecher as to the difficulties he and his family have had with using their land for commercial productive purposes; his observations of the land's physical characteristics; and his attempts to lease or to sell and amalgamate the land. We also heard from Mrs Evans about her history on the land and the various uses to which it has been put – in support of her family's application for subdivision consent.

[17] The appellants presented separate cases but there was some commonality in their approach to the planning documents, the identification of versatile land and the relevance of the 2017 Heretaunga Plains Urban Development Strategy (**HPUDS 2017**) and recommendations made on submissions to the review of the previous Strategy.

[18] The appellants provided draft sets of conditions to the Court. All owners indicated their agreement with those conditions. Of note, for both the Maurenbrecher and Evans proposals, the conditions provided for certain covenants: a no complaints covenant and restrictions over the land with reduced provision for buildings. Shown on each proposed lot is a sizeable area of land marked "Production Area, Protected Covenant". For Endsleigh, a no complaints condition was offered and the land on which the orchard sits is proposed to be contained within its own separate lot. Also, a limit of one residential building and one accessory building per lot was offered.

Why consent is required

[19] Under the Proposed Hastings District Plan (**Proposed Plan** or **Plan**) the properties are zoned Plains Production. Under the subdivision rules (Rule Table 30.1.5 – Subdivision and Land Use and Rule 30.1.6 Subdivision Site Standards and Terms), certain subdivisions are provided for. The minimum net site area is 12ha.

[20] There is however provision for the creation of a "Lifestyle Subdivision" under certain circumstances. The minimum site area must be no less than 2500m^2 and the maximum 5000m^2 with the balance area being no less than 12ha.[11] No additional

[11] Proposed Plan, Table 30.1.6B Standards for Lifestyle Sites, Plains Production Zone.

sites can be created. Instead, amalgamation is required. The application must comply with the following:

> Lifestyle subdivision shall only be applicable for an existing site smaller than 12ha. The site(s) being amalgamated with does not have to be less than 12 hectares, but does have to be adjoining. Any newly created balance site shall not contain more than one dwelling.

[21] The appellants' subdivision proposals do not comply with these rules. They propose the creation of additional sites of less than 12ha with no corresponding amalgamation of titles. They are non-complying activities.

[22] The term "Lifestyle Site" is defined in the Proposed Plan and the lots proposed in these appeals fall within this definition, except that the Endsleigh proposal includes a "productive orchard lot" of approximately 17.85ha:

> Lifestyle Site: means a site created and used for rural residential living in the Plains and Rural SMAs

C. The issues

[23] For the Council, Mr Williams advised that it is satisfied that the proposals do not raise issues of direct effect in terms of natural hazards, transportation, landscape or amenity considerations (and the like) such as to give rise to concern about the specific effects of the proposals in terms of s 104(1)(a) or the first "gateway" test in s 104D(1)(a) of the RMA.[12] We record, however, that Mr Williams did refer to potential cumulative effects of the proposals in terms of the additional physical extent of built development that would be enabled through the proposed subdivisions. As the Council's witness, Ms Hart, described it – this would result in a "much more concentrated and fine-grained pattern of development on the sites than on any other in the area".[13]

First issue

[24] The primary issue is whether the proposals are contrary to the relevant objectives and policies of the Proposed Plan and the overall strategy of both the Hawkes Bay Regional Policy Statement (**RPS**) and the Proposed Plan regarding lifestyle subdivision of rural land in the Heretaunga Plains sub-region.[14]

---

[12] Respondent's opening submissions at [104].

[13] MA Hart, EIC, paragraph 101 referencing paragraph [113d] of the Commissioner's decision.

[14] We record that the parties signed a document "Endsleigh/Evans/Maurenbrecher – Outcome of Mediation" dated 7 February 2019, which set out matters that were agreed and matters that were in issue; DB, page 963.

[25] In determining that issue the question arose as to whether the appellants' properties are *versatile land* as that term is defined in the Proposed Plan and/or whether they have productive potential.

Second issue

[26] The second issue is whether allowing the appeals would challenge the integrity and coherence of the Proposed Plan and public confidence in its consistent administration.

[27] In determining that issue, we need to consider the relevance of the recommendations on submissions made to the review of the HPUDS 2010 from the Heretaunga Plains Urban Development Implementation Working Group (**IWG**) and the relevance of the HPUDS 2017. We also need to consider the physical characteristics of the sites, which are claimed to differentiate them from others, and the consistency of the Council's approach to other non-complying applications. Those matters have been raised in support of the submission that the proposals are not ad hoc developments and would not create a precedent if consent were granted.

Final issue

[28] A third issue arose as to the relevance of the National Policy Statement – Urban Development Capacity (**NPS-UDC**).

How we will address the issues

[29] We will address the issues under the following headings:

Versatile land

- Are the appellants' properties versatile land as that term is defined in the planning documents or do they have productive potential?

Plan provisions

- Relevant regional and district plan provisions;
- Are the proposals contrary to the objectives and policies of the Proposed Plan?

Plan integrity

- Do any of the following matters apply so as to render the proposals so exceptional or unusual that issues of plan integrity or precedent do not arise if consent is granted?:

  (i) Whether or not the properties are versatile land.

  (ii) The recommendations of the IWG on the HPUDS 2010 review and the statements in HPUDS 2017 regarding the Raymond Road properties.

  (iii) Past Council decisions granting consent to subdivision/development in the Plains Production Zone.

  (iv) Characteristics that differentiate the properties from others in the area.

NPS- UDC

- Is this relevant to our consideration of these appeals?

[30] Before we turn to consider those matters, we outline the relevant considerations identified in s 104(1) RMA.

D. Statutory considerations

[31] The properties are zoned Plains Production (**PPZ**). Surrounding sites are a mixture of PPZ to the north, east and west of the sites, and Rural Residential (Parkhill Estate) and Tukituki Special Character Zone to the south. We were advised that all appeals relating to the PPZ have been resolved, and as such the provisions of the Proposed Plan take precedence over the Operative District Plan in relation to these proposals.

[32] The subdivision proposals are non-complying activities in the PPZ. That means that one of the threshold tests in s 104D RMA must be passed before we can grant a consent. Relevant to these appeals, we must be satisfied that either the adverse effects of the activity on the environment will be minor; or that the activity will not be contrary to the objectives and policies of the Proposed Plan.

[33] Section 104 RMA identifies the matters to which we must have regard in coming to a decision. In this case the relevant matters, subject to Part 2 of the Act, are the:

(a) actual and potential effects of the activities on the environment;

(b) positive effects;

(c) relevant provisions of NPS-UDC, National Policy Statement – Contaminated Land (accepted by the parties as being relevant but not engaged by the proposals), Hawkes Bay Regional Resource Management Plan, Hawkes Bay RPS, Proposed Plan; and

(d) any other matters we consider relevant and reasonably necessary to consider the proposals.

[34] Before we carry out our statutory evaluation, we address the evidence we heard about whether the appellants' properties are versatile land as that term is defined in the Proposed Plan. That was a pivotal issue for them.

E. Versatile land?

[35] Protection of the Region's versatile land and retention of the land-based productive potential of the plains environment underpin the Plan's approach in the PPZ.

[36] The definition of versatile land from the Proposed Plan is:[15]

> Versatile Land
>
> In relation to the Heretaunga Plains sub-region, means contiguous flat to undulating terrain within the Heretaunga Plains Sub-region that acts collectively to support regional (and nationally) significant primary production and associated secondary services on the Heretaunga Plains, based around:
>
> a) An exceptionally high proportion of versatile Class 1-3 soils (comprising almost 90%); or
>
> b) Class 7 soils that are internationally recognised as having very high value for viticultural production (comprising almost 7%);
>
> c) Its proximity to a cluster of national and international processing industries and associated qualified labour force; and
>
> d) Its proximity to the Port of Napier and other strategic transport networks providing efficient transport of produce.

[37] Maurenbrecher and Evans claimed that their properties are not versatile land. Endsleigh acknowledged that its orchard land is versatile land, but that the balance of the land is not. The versatile land on its property is proposed to be protected from subdivision. When addressing this issue, we refer to the appellants collectively but

[15] This definition is essentially the same in the HBRRMP, save for some minor wording differences in that Plan and a footnote added after the words "based around:" that reads: "While this definition is based around matters in (a) to (d), the Environment Court's decision in *Canterbury Regional Council v Selwyn District Council* [W142/96] provides a statement from Judge Treadwell about the wider range of factors he took into account regarding land versatility."

note that for Endsleigh the land we are referring to is the land on the upper terrace only.

[38] The appellants' case was based in large part on their assertion that, as their land does not comprise Land Use Class (LUC) 1, 2 or 3 soils, it is not versatile land as that term is defined in the planning instruments. It follows, they say, that the Proposed Plan's purposes, objectives and policies are not offended by subdivision for rural residential lifestyle purposes because those provisions are directed at the 'protection' of versatile land.

[39] Mr Maassen for Maurenbrecher and Evans contended with regard to the [Regional Council's Plan] maps showing LUC classes across the Plains that "the map is not the territory". In other words, the "map does not accurately portray the thing it is intended to capture".[16]

[40] Further, Mr Maassen broadened the issue as to the nature of the land capability in the following terms: *"…Is this versatile **or highly productive land** that should be protected*". He referenced the discussion paper published by the New Zealand Government on protecting soils which refers to "highly productive land".[17] Mr Maassen submitted that the issue is a central concern in the management of the Heretaunga Plains; it is the pre-eminent consideration in the RPS and is translated into all planning instruments by territorial authorities and is often a determinative issue in relation to development proposals,(referencing *Bunnings Ltd v Hastings District Council*).[18]

[41] We received extensive evidence on the characteristics of the soil on the appellants' land.

[42] The appellants called Sharn Hainsworth, a pedologist with experience in soil survey, LUC survey and land evaluation; Anthony Bish, an oenologist (wine science) and winemaker with associated viticulture experience; Jack Hughes and Martin Taylor, horticulturists; and Dr Craig Ross, a pedologist, with expertise in soil survey, land rehabilitation and soil physics. Mr Maurenbrecher, a registered surveyor, also

---

[16] Opening submissions for M & E at [16].

[17] Valuing Highly Productive Land: A discussion document on a proposed National Policy Statement for Highly Productive Land: MPI August 2019.

[18] M & E closing submissions at [5], *Bunnings Ltd v Hastings District Council*, [2011] NZEnvC 330. Mr Maassen added that this stated issue is also a pre-eminent issue when considering urban development through HPUDS.

gave evidence outlining the results of his topographical survey of his property and his family's attempts to use the land for commercial production. He also outlined his attempts to lease the land to neighbouring vineyards.

[43] The Council called Dr Brent Clothier, a soil physicist with expertise in soil/water processes, plant growth mechanisms and productive horticultural potential of land; Dr Ian Horner, plant pathologist; and Timothy Turvey, viticulturist. Mr Maassen observed in closing that Dr Clothier does not claim to be an expert in land use capability or pedology. Dr Clothier acknowledged that,[19] but stated that he is necessarily very familiar with the range of soil classifications, which have informed his overall conclusions with regard to productive land potential, alongside a range of other factors. We found Dr Clothier to be a careful and considered witness on these matters, and a witness on whom we can rely.

[44] The differences between the Council and the appellants over this issue can be broken down into the following elements:

(a) do the appellants' properties fall within the definition of versatile land:

(i) at a sub-regional level;

(ii) at a property level; and/or

(b) are the soils on the appellants' properties "productive"?

Versatile land - at a sub-regional level

[45] Uncontroverted evidence was that the properties comprise both LUC 2 and LUC 3 classes at the scale of 1:2500 in the maps prepared by the Hawkes Bay Regional Council (HBRC).[20] The Class 2 land is predominantly on the lower terrace of the Endsleigh property. The upper terrace of all three subject properties is Class 3 at this mapping scale.

[46] A finer grained analysis undertaken by Mr Hainsworth found pockets of LUC 4 (30%) at 52 Raymond Road and LUC 4 (50%) at 80 Raymond Road. Dr Clothier acknowledged that at the finer spatial scale the lands at 52 and 80 Raymond Road

[19] Dr Clothier EIC, paragraph 10.

[20] Although Ms Coats drew our attention to the disclaimer attaching to the LUC Maps: "The information displayed is schematic only and serves as a guide … its accuracy or completeness is not guaranteed…" AM Coats, EIR, paragraph 26.

do not fall within the 90% criterion for LUC 1-3 soils referenced in clause (a) of the definition. There was no site-specific analysis undertaken for 42 Raymond Road. However, given the majority of the site is in orchards (17.85ha) it can be assumed, even if the balance land (2.87ha) were Class 3 or higher, the 90% factor would be met.

[47] It was Dr Clothier's opinion however, that the 90% criterion is intended to be applied on a sub-regional scale, rather than being site specific, since it is referred to as being "in relation to the Heretaunga Plains sub-region" in the definition. He also observed that "With greater spatial detail, it will always be possible to find pockets of different classes. Spatial scale and taxonomic granularity are linked…"[21]

[48] Mr Hainsworth in response to questions in cross-examination confirmed that this was also his understanding of the definition.[22]

[49] For our part, we observe that the definition begins by describing that the term *versatile land*, in relation to the Heretaunga Plains sub-region*:*

> …means contiguous flat to undulating terrain within the Heretaunga Plains Sub-region that acts collectively to support regional (and nationally) significant primary production and associated secondary services on the Heretaunga Plains…

The key references are to *contiguous terrain* that acts *collectively* to support *primary production and associated secondary services*. Then follow the words "based around" and a list of four factors. One of those factors is:

> a) An exceptionally high proportion of versatile Class 1-3 soils (comprising almost 90%);

[50] The four listed factors are not criteria which must be satisfied for land to fall within the definition. They are elements which inform the preceding words. We interpret clause (a) in the definition to be referring to the sub-region and the collective soils of the sub-region. Interpreting that clause as requiring that 90% of each and every land parcel contain class 1-3 soils would lead to difficulties of application and interpretation of the Plan and would make vulnerable to site specific analysis (as has occurred here) the Plan's protective approach to soils of the sub-region.

[21] Dr Clothier, EIC, paragraphs 21 and 43.

[22] Transcript for 11-13 June 2019 (**First Hearing**), page 60, lines 33-35. Also Mr Hainsworth noted that "… there is no way of predicting 3s and 4s land from observation of the soil surface."

[51] The soil classes referred to are broadly based and not exclusive. There is no subclass soil reference and the features are not confined.

[52] The expectation is that there will be other soils (some 10% with Class 7 being one of these) which are not in the LUC Class 1-3 group and other activities that are associated secondary services which might be accommodated on versatile land. The land is not solely defined by its horticultural capability. Finally, we observe that the definition does not refer to "highly productive" land.

[53] If we are wrong in that interpretation and the properties are not versatile land (as defined) because they do not contain 90% Class 1-3 soils, we turn to consider whether they are, in any event, versatile and have "*productive potential*[23]. Regardless of whether or not the lands fall within clause (a) of the definition, Dr Clothier was of the opinion that the lands are well suited to horticulture as they have 'productive potential' (section 6.1 of the Plains Strategic Management Area) and they deliver valuable 'life supporting capacity' (section 2.8 of the Rural Resource Strategy). He considered that they would fall within the first part of the definition.[24] He further observed that the climate of Hawkes Bay is superb for horticulture and multiple options are available to overcome some limitations.

Versatile Land - at a property level and/or productive land

[54] We note that the appellants did not focus on the 90% threshold for LUC Class 1-3 land to qualify at a site-specific level as versatile land. Their primary case was that their land is LUC Class 4 and therefore distinguished from other land in the PPZ. In that context, they say, the most appropriate use of the land is as applied for. The question can be described as: *Do the soil and drainage characteristics of the sites set them apart from other sites within the Plains Production Zone in terms of versatility and productive potential?*

[55] The Council's position was that the soil characteristics, including the underlying duripan, are not unique within the PPZ and that credible management treatment is available to mitigate any soil limitations.

[23] Terminology contained in Objective PSM01 Part B Strategic Management Areas and Zones 6.1.3 and as noted by Dr Clothier, EIC, at paragraph 27.
[24] Dr Clothier, EIC, paragraph 27.

[56] The appellants' position was that drainage limitations caused by the undulating nature of the duripan underlying their land requires these sites to be classified as LUC Class 4s and as such the sites are not considered to be versatile land.

Soil Characteristics

[57] The soil characteristics of the sites were not in dispute between the experts. The soil is categorised as Waipukurau30 in the HBRC soil maps of the Heretaunga Plains. These maps have been integrated with the Landcare database that has different names for soil types. To avoid confusion, we use the HBRC terminology.

[58] Soils at the sites are described as Duric Perch-gley Pallic soils. A feature of these soils is the presence of an underlying duripan comprising a silica-cemented subsurface soil horizon of low permeability, generally impenetrable by plant roots. Mr Hainsworth described the duripan as creating a perched water table that is difficult to drain artificially because of the fluctuating depth of the duripan. Soils above the duripan are ash on sandy loam (loess).

[59] Detailed physical examination of the sites at 52 and 80 Raymond Road by Mr Hainsworth using spaced trenches revealed that the duripan ranged in depth from 40 to 85 cm below the surface. The duripan described in the more detailed survey also extends over the upper terrace of the Endsleigh site at 42 Raymond Road as shown on the HBRC's soil maps and confirmed by Mr Hainsworth.

[60] Soils on the lower terrace of the Endsleigh land are described as Mangatarere71. Imperfect drainage of these soils has been rectified by conventional subsurface drainage treatment allowing development as a high-density apple orchard. The upper terrace land is described as Waipukurau or Ruataniwha soil type.

[61] Mr Hughes advised that the soils on the upper terrace of the Endsleigh land are not suited to tile drainage and that drainage techniques, such as deep ripping of the duripan provide only temporary relief as the pan reforms. Mr Hughes considered that the characteristics of the Waipukurau30 soils significantly limit their suitability for horticulture. Experience at the site confirms this, where low productivity and episodic plant mortality has limited viable commercial productivity from the land.

[62] Dr Clothier agreed with Mr Hughes on this but suggested that neither drainage nor deep ripping needs to be used. He advanced a land management technique

involving mounding of inter-row soil along the planting rows to create deeper soil under the trees. We come to this later.

[63] Mr Hainsworth's detailed investigations showed that the Maurenbrecher and Evans properties (52 and 80 Raymond Rd) contained both LUC Class 3 and Class 4 land with most of the land being Class 3. He classified this land with a soil limitation (Subclass s) as the duripan is a feature of the soil and any wetness limitation (Subclass w) is caused by the duripan. Mr Hainsworth's evidence was that the sites contained both Class 3s and 4s land, the demarcation between the two being the depth of soil above the duripan.[25] Less than 45 cm are considered Class 4 and greater than 45 cm are considered Class 3.

[64] In response to questions in cross-examination, Mr Hainsworth identified the presence of three trenches at 52 Raymond Road showing depth of soil above the duripan of less than 45 cm. This formed part of the basis for his classification of 30 percent of the site as Class 4s.[26] We were not given the rest of the basis for this quantification. He estimated that 70 percent of the land at 52 Raymond Road and 50 percent of the land at 80 Raymond Road was Class 3.

[65] It was Mr Hainsworth's opinion that the undulating nature of the duripan meant that the Class 3 and Class 4 land could not be managed differently, therefore all the land must be "managed" as the more limiting Class 4s (as opposed to all the land being "classified" as 4s).[27]

[66] Mr Hainsworth acknowledged that the soils at the Maurenbrecher and Evans properties are not unique in the PPZ. What was unique, in his opinion, was the flatness of the terrace and the undulating nature of the duripan. As the soil is poorly drained and not readily drainable, it cannot be considered as versatile or high valued soil in his opinion. Mr Hainsworth acknowledged in response to cross-examination that he had not made any detailed surveys in other areas in the PPZ with an underlying duripan to establish whether the duripan was undulating (at various depths over small distances)[28] and that "there is a possibility that some locations will have undulating duripans".[29]

---

[25] SB Hainsworth, EIR, paragraph 13.
[26] Transcript First Hearing, page 52, lines 15-23.
[27] SB Hainsworth, EIC, paragraph 8.
[28] Transcript First Hearing, page 59, line 16.
[29] Transcript First Hearing, page 60, line 6.

[67] Mr Hainsworth's conclusions were supported in evidence by Mr Taylor and Mr Hughes as horticulturists with experience of the properties, including the observed limitations for commercial horticulture production. Mr Taylor advised that the land at 52 Raymond Road is not, in his opinion, highly productive Heretaunga Plains soil type. Similarly, Mr Hughes considered the upper terrace area of the Endsleigh site "appears to be outside the criteria normally considered horticulturally suitable as defined by Land Use Capability Classes".[30]

[68] Dr Clothier accepted the evidence of Mr Hainsworth that the more detailed mapping of soil profiles at 52 and 80 Raymond Road identify a mosaic of LUC Class 3s and Class 4s land with the majority classified as Class 3s. Dr Clothier did not dispute that the presence of the underlying duripan at varying depths resulted in a perched water table with poor natural drainage and that these constraints to productive capacity reduced the versatility of the land if not treated. He also acknowledged that management techniques, such as deep ripping or conventional subsurface drainage, would not fully ameliorate the drainage constraints as described by Mr Hughes and Mr Taylor.

[69] Based on his observation of commercially successful vineyards on identical land directly adjacent to the appellants' land on the south side of Raymond Road and elsewhere throughout the Haumoana area, Dr Clothier considered that the land had high productive potential for viticulture if the same management techniques were applied. If these techniques were not considered suitable for the land, proven land management techniques other than conventional drainage were available to land managers to enable realisation of production potential for a wide range of horticultural crops currently constrained by soil and wetness limitations, in his opinion.

[70] Dr Clothier provided a detailed description of one such technique where movement of soil from the inter-row between rows of trees is used to create a deeper soil under the tree rows to provide an adequate root zone largely free from saturation. This process is known as "mounding". Dr Clothier has experience in the development and commercial application of this technique for horticulture production in comparable circumstances in both New Zealand and Australia.

[71] The land treatment, as described by Dr Clothier, involves the mechanical movement of, at its deepest, around 250 mm of soil from inter-rows to create a mound

[30] JG Hughes, EIC, paragraph 21.

of around 250 mm above the current ground level. This would establish a soil root zone of around 500 mm above the water table creating a medium to produce a variety of horticultural crops. The approximately north-south optimal orientation of these rows would coincide with the recorded gentle slope of the land to both the north and south, allowing for rapid drainage of any surface water along the inter-rows following periods of high rainfall.

[72] The efficacy of the mounding technique was challenged by several of the experts for the appellants. Mr Taylor was the only expert, apart from Dr Clothier, with any experience in the application of this technique. It was his opinion that the mounds would need to create a root zone of around 500 mm above the natural ground surface as the undulations in the land would cause a build-up and ponding of water in areas for a period. The higher mounds would be needed to keep tree roots free from saturation. Mr Taylor acknowledged in cross-examination that a roughly north-south orientation of rows for optimum sunlight would coincide with the best mounding directions for drainage.[31] He also acknowledged that the entire root system did not need to be entirely clear of the water table for the entire year.[32]

[73] Dr Ross considered the adverse effects of mounding to include:

(a) some loss of soil organic matter (or reduction in carbon content) caused by the mounding process (tillage) and improved soil aeration;

(b) some degradation of soil structure caused by the soil movement associated with mounding and the reduction in soil organic matter;

(c) significant reduction of topsoil depths (reductions in soil fertility) in the inter-mound or hollows between the mounded rows;

(d) reduced depths to the impeding duripan will result in enhanced water logging problems for the between mound areas;[33]

[74] Dr Ross concluded that the land limitations (soil depth and wetness) could not be mitigated by mounding as the problems of wetness and root zone limitations over the entire land (including between the rows) limited potential for other crops, such as vegetables or arable crops.

[31] Transcript First Hearing, page 96, lines 9-12.
[32] Transcript First Hearing, page 98, lines 24-26.
[33] Dr Ross, EIR, paragraph 13.

[75] Dr Ross also raised the matter of "trafficability," referring to the ease (or hindrance) of accessing the land with machinery during periods when the water table is relatively high. He considered this problem would be exacerbated by mounding as the soil would be shallower in the inter-rows and unable to drain readily. There was no consensus from the experts as to the importance of this.[34]

[76] Mr Hainsworth considered that successful mounding would limit the suitability of the land for a wide range of other land uses due to redistribution of soil organic matter, drainage pattern changes in the inter-rows and effects on trafficability in the inter-rows.

[77] The contributing experts agreed at conferencing[35] that "mounding is to achieve an effective rooting zone 500 mm above the water table". The primary difference between Mr Taylor and Dr Clothier in this is that Mr Taylor stated that a mound height of 500 mm above the existing ground surface is required to achieve this as water has been frequently observed to pond on parts of the site. Dr Clothier explained in response to examination by counsel[36] "…the water table…will still lie under that first 250mm of AP horizon and the other soil will be on top, so now we have a 500 mils root zone above that persistent water table". Dr Clothier explained his interpretation of the evidence showing the upper extent of the water table at the sites, noting that water at the soil surface was highly likely to be for only a short period.[37]

[78] The height of mounds and availability of 500 mm of soil above the water table was the subject of lengthy cross-examination throughout which Dr Clothier provided detailed responses supporting his evidence that the creation of a 250 mm mound along rows aligned roughly north-south would provide a 500 mm root zone for horticultural production. In addition, and helpfully, surface drainage would occur via the inter-rows aligned with the gradient of the land that would overcome any tendency for ponding of surface water for any extended period following heavy rainfall.[38]

[79] Dr Clothier explained that the soil profiles presented by Mr Hainsworth's detailed trench evidence revealed a "mottled" area indicating a period of long ponding (high water table) at an average depth of 250 mm below the soil surface. This is consistent

---

[34] Conference Statement from Environment Court hearing, dated 11 June 2019. (**JWS**).
[35] JWS at bullet point 5.
[36] Transcript First Hearing, page 251, lines 4-7.
[37] Transcript First Hearing, page 250, lines 17-18.
[38] Transcript First Hearing, page 278, lines 25-35 and 279, lines 1-5.

with the photographic evidence of Mr Hainsworth,[39] in Dr Clothier's opinion. A mound of 250 mm will therefore be on top of a 250mm topsoil layer creating a 500 mm root zone above the water table.

[80] Counsel for Maurenbrecher and Evans submitted in closing[40] that "the M + E is Land Use Capability Class 4 … This is agreed by the experts, Mr Hainsworth, Dr Ross, Dr Horner, Mr Hughes and Mr Taylor." References to the agreed positions of the experts were cited. The JWS states at bullet point one:

> - SH (Sharn Hainsworth), mosaic nature of the duripan at 52 and 80 Raymond Road. The land use overall capability class for 2 blocks is 4.
>
> BC (Brent Clothier) disagrees: there are pockets of 3 and 4 mosaic generally more 3 than 4 shouldn't manage to the lowest denominator.

The JWS did not record the positions of any of the other experts present in relation to the above statements.

[81] The assertion that the subject land is LUC Class 4 was not supported in evidence by Mr Hainsworth, where he established that the sites contained both Class 3 and Class 4 land but should be "managed" as Class 4s. This is quite different from classifying all the land as Class 4 which he clearly did not do. None of the other experts cited by counsel refer to the Maurenbrecher and Evans land as being classified as LUC Class 4 in total.

[82] Mr Hainsworth extended his reliance on application of the lowest classification for management purposes in response to cross-examination regarding the post-mounding scenario advanced by Dr Clothier. He stated:[41]

> I [*sic*] reality, it's appropriate in the use of the Land Use Capability Survey Handbook by Lin [*sic*] et al 2009 that you would have to take account of the lowest common denominator which is the interrow, which I have said would be classed as 5W…

[83] The Land Use Capability Survey Handbook[42] at section 4.4.1 provides that Regional LUC Units may be modified if opportunities for more targeted conservation or management can be identified through detailed mapping. Further, at section 4.4.2, where two or more units are present, but too small to map at a regional scale "either the dominant or least capable LUC unit is assigned".

---

[39] SB Hainsworth, EIR, paragraph 11.
[40] Closing submissions for M & E at [49].
[41] Transcript First Hearing, page 44, lines 7-10.
[42] Land Use Capability Survey Handbook, Lynn et al 3rd Edition.

[84] Mr Hainsworth asserted that it is the "least capable" unit that applies but makes no reference to the alternative of applying the "dominant" unit (Class 3, or after mounding Class 2).

[85] In not accepting the application of the lowest common denominator, Dr Clothier maintained that managing to the dominant 3s Class could effectively be achieved by land treatment to rectify the soil depth limitations and improve drainage.

[86] Responding to Dr Ross' evidence on adverse effects of mounding, Dr Clothier maintained that mounding does not result in any reduction in the carbon content of the soil. A continual supply of carbon is available to the soil from thinned fruit, prunings and the use of side throw inter-row mowers. His experience with monitoring soil carbon in mounded plantings was that soil carbon did not change.[43]

Disease

[87] Mr Maurenbrecher, Mr Taylor and Mr Hughes attributed some of the observed plant mortality at the Maurenbrecher property to disease, particularly phytophthora, facilitated by lengthy periods of root zone saturation.

[88] In providing evidence on the effectiveness of mounding to combat this disease risk, Dr Horner stated:[44]

> 9. Specifically, I confirm that in my opinion, the mounding mitigation option discussed by Dr Clothier in his evidence would help in either preventing or mitigating the effects of Phytophthora on the Raymond Road properties in question. This is principally because it would improve the drainage and reduce saturation around the root zone of plants established on the mounded areas. The key to Phytophthora mitigation in orchards is to raise the lower trunk/root crown out of the zone of potential flooding and mounding as described effectively achieves this. I have witnessed examples in both New Zealand and overseas where simple mounding has substantially reduced Phytophthora problems and increased productivity in poorly drained sites.
>
> 10. Dr Clothier's calculations (in response to Question 11) seem appropriate. In terms of Phytophthora management, I would suggest a starting mound height of 300 to 350 mm down the planting row. This would settle/erode to the desired height of 250 mm. I agree that soil for the mound should be taken from the inter-row, as this will help with the shedding of excess water from immediately around the tree base and avoid the need to import soil onto the property.

[89] This position on reduction of disease was supported by all the experts at conferencing.[45]

[43] Transcript First Hearing, page 251, lines 20-25.
[44] Dr Horner, EIC, paragraphs 9 and 10.
[45] JWS at bullet point 6.

Evaluation

[90] We accept the evidence of Mr Hainsworth and others that the presence of an essentially impervious duripan at varying depths under the appellants' land results in limitations to horticultural productivity due to poor drainage of the soil.

[91] It was not in dispute that duripans underlie around five percent of PPZ land, including around 200 ha in the Haumoana area. These Haumoana soils, including those adjacent to the appellants' land on Raymond Road, support the production of high quality grapes. We had no evidence to suggest that the duripan underlying other land in the PPZ at Haumoana was, or was not, "undulating" as described by Mr Hainsworth.

[92] As noted in the JWS[46] "there are wetness limitations across the wider Plains Production Zone". Mr Hughes gave an example of this wetness limitation on the lower Endsleigh terrace, requiring extensive conventional drainage treatment to realise the productive potential of the land for apple growing. Dr Clothier promoted an option for treatment of the appellants' land by mounding and alignment with the natural contour of the land for drainage. On his evidence this would allow the realisation of the productive potential of this land by establishing an adequate root zone above the water table and improving surface water drainage.

[93] We prefer the evidence of Dr Clothier that establishes this technique as a feasible and commercially viable option to overcome the production limitations of the appellants' land in the same way as conventional drainage does elsewhere in the PPZ.

[94] Dr Clothier stated:[47]

> Regardless of whether or not the lands of 52 and 80 Raymond Road (or 42 Raymond Road for that matter) fall with (sic) clause (a) of the District Plan's definition of 'versatile', I am of the opinion that they are lands well suited for horticulture, as they have 'productive potential' (Section 6.1 of the Plains Strategic Management Area), and they deliver valuable 'life supporting capacity' (Section 2.8 of the Rural Resources Strategy). The climate of the Hawkes' Bay is superb for horticulture, and mitigation options are available to overcome some limitations as I discuss later in this evidence for the Raymond Road properties.

[95] We find that even though the permanent physical limitation (duripan) remains, the limitations of soil depth and effective drainage of the rooting zone of production

[46] JWS at bullet point 3.
[47] Dr Clothier, EIC, paragraph 45.

crops can be rectified using an established commercially viable management technique that would constitute an above average level of land management.

[96] There would inevitably be a redistribution of top soil from the inter-row area to the productive row using this technique, with a resultant reduction in productive potential in the inter-row. The overall productive potential of the land can, however, be effectively realised using the mounding technique, as demonstrated in evidence by Dr Clothier. Mr Hainsworth acknowledged that the mounds would have a LUC of Class 2.[48]

[97] We find that the land at 42, 52 and 80 Raymond Road, following treatment by mounding, can be managed as productive land. For purposes of consistency with the planning instruments, it is appropriate to consider this as versatile land that is not set apart from other land in the Plains Production Zone.

[98] We summarise our findings:

(a) the definition of "versatile land" is an inclusive one;

(b) we consider that the 90 percent reference in clause (a) of the definition is to be applied on a sub-regional scale and not a site-specific scale;

(c) in any event, the site-specific analysis demonstrates that the properties can be managed as productive land and do, therefore, comprise versatile land and are the subject of policy directives protecting them;

(d) taken more broadly, the sites represent land with life supporting capacity and productive potential, being in the Heretaunga Plains Sub-Region, enjoying a climate that is superb for horticulture even if some mitigation is required.

We proceed now with our analysis in terms of the statutory framework.

F. Statutory Evaluation – Resource Management Act 1991

Section 104D

[99] As recorded, it was agreed that the proposals do not raise issues of direct effect relating to natural hazards, transportation, landscape or amenity considerations (and

[48] SB Hainsworth, EIR, paragraph 60, Figure 13 and Transcript First Hearing, page 44, lines 1-10.

the like). Even with Mr Williams' note of caution[49] regarding the extent of built development, we conclude from the evidence that any adverse effects are less than minor.

[100] We conclude, therefore, that the proposals can pass through the first gateway of s 104D(1)(a) of the RMA.

Section 104(1)

[101] We heard evidence from the following planners: Michelle Hart and Phillip McKay for the Council, Amanda Coats for Maurenbrecher and Evans and Matthew Holder for Endsleigh.

Effects (s 104(1)(a))

[102] We were advised that the adverse effects of the proposals are no more than minor. We accept that advice.

[103] Positive effects for Maurenbrecher and Evans were described as those arising from the proposed conditions of consent, including a 'no complaints' condition, limits on buildings and the protection of a so-called 'production area' on each lot.

[104] For Endsleigh, there was a proposal to protect the orchard land from development and limit buildings on the other proposed lots. Further, it was contended that the proposal adds to the range and affordability of residential options in an area that has a demonstrated preference for lifestyle sites.

[105] For both proposals, it was clear that a further claimed positive effect is enabling the appellants to use their land in a sustainable manner for residential purposes.

[106] We consider these matters in our overall evaluation at the end of this decision.

Relevant Policy Statement and Plan provisions (s 104(1)(b))

National Policy Statement on Urban Development Capacity (NPS-UDC)

[107] In brief, we do not consider that the provisions of the NPS-UDC are relevant to our determination of these appeals. Our reasons follow in section G.

[49] Refer paragraph [23].

Hawke's Bay Regional Resource Management Plan (HBRRMP)

[108] The HBRRMP incorporates the RPS at Chapter 3 - Regionally Significant Issues, Objectives and Policies. The parties generally agreed that the parts most relevant to the appeals are found within this Chapter, primarily in Section 3.1B "Managing the Built Environment – Urban Development and Strategic Integration of Infrastructure". While other sections within that Chapter were noted as having relevance, we agree with the planning witnesses that the set of objectives and policies we now discuss provide the most helpful key guidance for our decision.

[109] To assist in understanding these provisions we have included the diagram of the Heretaunga Plains spatial area from Schedule 14 of the HBRRMP as Attachment **B**.

[110] The definition of the term *versatile land* provided in the HBRRMP Glossary is the same as that contained in the Proposed Plan, save for the addition of a footnote referring to a previous decision of the Environment Court.[50]

Regional Policy Statement: Chapter 3.1B – Managing the built environment

[111] Objective UD1 relates to the urban form of the region. The objective is to establish a compact and strongly connected urban form throughout the Region that, among other matters:

> …
> **d)** **avoids unnecessary** encroachment of urban activities on the **versatile land** of the Heretaunga Plains;
>
> (emphasis added)

[112] Objective UD2 is to provide for residential growth in the Heretaunga Plains sub-region through higher density development in suitable locations. The appellants' land is located in the sub-region. The principal reasons and explanation for this objective are:

> New development accommodates growth and provides the opportunity to enhance the quality of the environment. In the right location, more intensive forms of development will, amongst other things, promote efficient use of existing infrastructure or any planned infrastructure already committed to by Local Authorities (e.g. by funding) but not yet constructed, minimise energy use (as development spreads, the demand for transport and energy use increases), and **reduce the need to encroach onto the versatile land** of the Heretaunga Plains.
>
> (emphasis added)

[50] Refer to Note [15].

[113] Objective UD4 relates to urban development in the Heretaunga Plains sub-region. The objective states:

> Enable urban development in the Heretaunga Plains sub-region, in an integrated, planned and staged manner which:
>
> a) allows for the adequate and timely supply of land and associated infrastructure; and
>
> b) **avoids inappropriate lifestyle development, ad hoc residential development** and other inappropriate urban activities in rural parts of the Heretaunga Plains sub-region.
>
> **Principal reasons and explanation**
>
> Successful long-term growth management is dependent on integrating long term land use, the infrastructure necessary to support this growth and the ability to fund and supply the infrastructure in a timely and equitable manner. In order **to protect the productivity of rural land** in the Heretaunga Plains, all inappropriate urban development should be avoided.
>
> (emphasis added)

[114] Two policies are particularly relevant in the context of these appeals. They are Policies UD1 (specifically subsection (a)), and UD3.

[115] Policy UD1 requires that in providing for urban activities in the Heretaunga Plains sub-region, territorial authorities must place priority on:

> **…**
>
> a) **the retention of the versatile land of the Heretaunga Plains for existing and foreseeable future primary production**, **and**
>
> b) ensuring efficient utilisation of existing infrastructure, or
>
> c) ensuring efficient utilisation of planned infrastructure already committed to by a local authority, but not yet constructed.
>
> (emphasis added)

[116] Policy UD3 states that:

> In the Heretaunga Plains sub-region**, district plans shall include** policies and methods **discouraging or avoiding** ad hoc residential development and further rezoning for rural residential purposes or lifestyle development outside existing rural residential zones.
>
> **Principal reasons and explanation**
>
> Similar to urban development, rural residential or lifestyle development can also act to remove valuable land from agricultural production and can also impact on the productivity of other land (i.e. rural or industrial), in particular through reverse sensitivity.
>
> These forms of development **should not be confused with residential development (eg: farm houses) that is ancillary to primary production** activities or to boundary adjustments that may effectively create a lifestyle site by reducing the land area surrounding a dwelling to create a larger more productive balance title. Provision for rural residential and lifestyle development **should be carefully managed to minimise fragmentation of the versatile land of the Heretaunga Plains**. **There is currently an excess supply of rural residential zoned areas within the Heretaunga Plains sub-region, considered sufficient to cater for projected demand for rural residential lots in the sub-region through to 2045**, and further rezoning for this purpose is considered unnecessary for the foreseeable future.
>
> (emphasis added)

[117] The timing of the notification of the Proposed Plan for submissions in November 2013 enabled the directions in Chapter 3 of the RPS to be incorporated into the Proposed Plan.[51]

Proposed Plan

[118] Apart from the fact that the regional and district planning instruments predate the NPS-UDC, there was no dispute that the HBRRMP or the Proposed Plan meet their obligations in respect of higher order instruments. Mr Lawson argued however that because the NPS-UDC post-dated the regional and district planning documents, recourse should be had to Part 2 in making our evaluation. We come to that point later in our Overall Evaluation at section **I**.

[119] It was agreed that the relevant provisions of the Proposed Plan should be relied upon as they were beyond challenge. The Proposed Plan, we were told, should be treated as operative, and the Operative Plan considered inoperative, by reference to s 86F of the RMA. We therefore set out the Proposed Plan provisions which we consider are most relevant.

The Objective and Policy framework

Overarching strategies

[120] The Proposed Plan contains overarching and broad strategies, including those at Section 2.3 (Plan Philosophy and Integrated Resource Management), Section 2.4 (Urban Strategy) and Section 2.8 (Rural Resource Strategy).

Vision

[121] Section 2.3.2.1 outlines the Council's Vision:

> We will progress as town and country together and sustain our resources, enhance our values, lifestyle and heritage, and build a strong economy and community founded on innovation and partnering for success. Hawke's Bay will be the premier land-based production region of the South Pacific.

[122] The Plan states that the Vision "is very much based on the importance of land-based production to the District".[52] Further, in addressing the role of the Plan in

[51] HBRRMP Change 4 was notified in December 2011, had decisions on submissions notified in March 2013 and became operative on 6 January 2014. PA McKay, EIC, paragraph 47.

[52] Proposed Plan, section 2.3.2.1.

delivering the Vision, that:[53]

> There has been a clear message from the community that the versatile soils of the Heretaunga Plains should be protected from unnecessary development and that future urban growth should be provided for within the existing boundaries of the urban environment. This will require more intensive use of the existing residential areas.

[123] In the context of recognising the need for urban development to continue, and the potential effects of utilising additional land in the Heretaunga Plains for housing, particular reference is made to the Councils' joint response to that being the HPUDS.[54]

Urban and Rural Resource Strategies

[124] The Strategies set the framework for more specific location based guidance. Key objectives and policies in sections 2.4 (Urban Strategy) and 2.8 (Rural Resource Strategy) address:

(a) reducing the impact of urban development on the resources of the Heretaunga Plains in accordance with the recommendations of the adopted HPUDS (Urban Strategy Objective UDO1);

(b) ensuring that new urban development is planned for and consistent with the RPS (Urban Strategy Objective UD02)

(c) the supply of residential and business land to meet demands of the Hastings District community (Urban Strategy Objective UDO3 and Policy UDP6);

(d) the retention and protection of versatile land from ad hoc urban development (Urban Strategy Objective UDO4 and Policies UDP9-10);

(e) the promotion and maintenance of the life-supporting capacity of rural resources at sustainable levels (Rural Resource Strategy Objective RRSO1).

[125] The Proposed Plan defines "Urban Areas/Zones" and "Urban Development Areas". It was accepted that the appellants' land is not within these areas.[55]

---

[53] Proposed Plan, section 2.3.2.2.

[54] Proposed Plan, section 2.3.3.2 – Joint response by Hastings District Council, Napier City Council and the Hawkes Bay Regional Council. See also section 2.3.3.3.

[55] "Urban Areas/Zones: means land covered by the:
6.3 Plains Settlement Zone
7.2 Hastings Residential Environment…"; "Urban Development Areas: means an area identified in the Hastings District Council's Heretaunga Plains Urban Development Strategy (HPUDS) and

[126] The Introduction to the Urban Strategy references the HPUDS, stating that it was completed in 2010 and revised in 2017; that the relevant recommendations from HPUDS have been incorporated into the RPS; the District Plan will implement the directions established in the RPS as well as other recommendations from the HPUDS. This includes the identification of those areas that are appropriate for new greenfield growth; that the Council will closely monitor the development of housing during the District Plan period and adhere to the HPUDS recommendations to divert new housing development away from highly versatile land in order to enhance its productive capacity for future generations.[56]

Plains Strategic Management Area and Plains Production Zone

[127] The PPZ (6.2) has its own objectives and policies but is encapsulated within the Plains Strategic Management Area (6.1) (**Plains SMA**). This contains overarching objectives and policies for this part of the District. We note that within this SMA there is also a Plains Settlement Zone. We expect these zones together deliver the Plains SMA objectives and policies.

[128] The Introduction to the Plains SMA sets out the characteristics of the Plains area and the approach taken to the management of the land resource. It includes:[57]

> … The Plains environment has a large component of versatile land. The soils that characterize this versatile land are nationally significant and provide maximum flexibility in terms of the type of crops that can be grown. Their flexibility will also ensure that land-based primary production industry will be able to respond rapidly to changing technologies or crop types demanded in the future. In other words, retention of the versatile soils will assist in 'future-proofing' the horticulture industry.
>
> The value of this versatile land to the local economy is well proven, with the addition of a further food processing plant to Hastings. The community has also signaled that the protection of this land is of paramount importance, and its value to the region is recognised in the Regional Policy Statement. Through the process of drafting the Heretaunga Plains Urban Development Strategy, there was significant support for preventing further urban encroachment onto the versatile land of the Heretaunga Plains. The District Plan will therefore continue with its policy of protecting the land from subdivision and development that is not for the purposes of food production. There is no reason to reduce the minimum subdivision size of lots in the areas where versatile land is identified. It is intended that future generations of Hastings ratepayers will have similar levels of productive rural land available to them as we currently have. This will be achieved by both maintaining the minimum lot size for subdivisions and also restricting the amount of building on the versatile land to that which is absolutely necessary to support our primary industry. The Council is also identifying clear urban/rural boundaries for its future urban growth options. …

section 2.4 of the District Plan for new residential development."

[56] Proposed Plan, Sustainable Urban Strategy, Section 2.4.1 Introduction, page 2.

[57] Section 6.1.1 of the Proposed Plan

Plains SMA

[129] The first Plains SMA objective and policy states:

> **Objective PSMO 1**
> The land based productive potential and open nature of the Plains environment is retained.
>
> **Policy PSMP 1**
> Require that the subdivision of land within the Plains Strategic Management Area shall be for the purpose of a land-based productive use.

[130] Policy PSMP 5 requires the establishment of clear and distinct urban boundaries to prevent incremental creep of urban activities into the PPZ.

PPZ

[131] Key to these appeals is Objective PPO1 of the PPZ to:

> Ensure that **the versatile land across the Plains Production Zone is not fragmented or compromised** by building and development.
>
> (emphasis added)

[132] This leads to the following policy:

> **Policy PPP1**
> Encourage the amalgamation of existing Plains Production Zone lots into larger land parcels.
>
> **Explanation**
> There are a large number of small lots within the Plains Production Zone and the Council will continue to actively encourage the amalgamation of these lots as and when the opportunity arises through Resource Consent and subdivision applications. This will result in larger property sizes that will provide greater potential flexibility for future soil-based activities.

[133] Further policies linked to Objective PPO1 require that activities and buildings shall also be linked to primary production (PPP5), and of a scale compatible with the environment (PPP3 and PPP4). There is a requirement to establish a clear and distinct urban boundary to prevent incremental creep of urban activities into the PPZ (PPP7).

[134] Most relevantly, Policy PPP6 requires:

> Restrict the ability to create lifestyle sites within the Plains Production Zone to those from an existing non-complying site where the balance of the site is amalgamated with one or more adjoining sites to form a complying site.

[135] The Explanation to Policy PPP6 states:

> One of the major issues affecting versatile land is the pressure that comes to bear as a

> result of people wanting to establish lifestyle developments close to the various urban centres. The Council is seeking to keep firm control over the creation of such sites to ensure that the versatile soils are not fragmented to such a degree that they cannot be used for production purposes… This policy is consistent with the Regional Policy Statement which states that versatile land of the Heretaunga Plains is highly desirable for urban and rural lifestyle development but most importantly it underpins the economy of the region. This conflict and pressure from urban development makes it a regionally significant issue.
>
> The policy of providing for a lifestyle site to be created where the balance is amalgamated to create a new complying site (that is, complying with the 12 ha minimum site size) is one which has been carried over from the previous District Plan. It is a policy that has been successful in achieving the aim of increasing the number of complying sites.

[136] Objective PPO2 is to provide for flexibility in options for the use of versatile land, and this leads to policies providing for aligned commercial and industrial activities that support primary producers. Policy PPP11, which also flows from this objective, requires that any subdivision within the PPZ:

> …does not result in reducing the potential for versatile land to be used in a productive and sustainable manner.

[137] Objective PPO3 seeks to retain the rural character and amenity values of the zone. Supporting policies require that new development is consistent with the open and low-scale nature of the zone (PPP13) and have a no more than minor adverse effect on lawfully established land uses (PPP14).

[138] We were also referred to Section 11.1 (Haumoana Te Awanga Strategic Management Area). This links to the evidence provided on HPUDS 2017. However, while the area referenced in Section 11 abuts the PPZ on the seaward side, it does not take in the area in which the appellants' land is located. Therefore, we do not see these provisions as being particularly helpful to our consideration of the appeals. We address the HPUDS 2017 separately.

Subdivision

[139] Relevantly, Objective SLD 01 enables subdivision that is consistent with each of the objectives and policies for the various SMA and Zones, among others.

Rules

[140] The Proposed Plan allows for certain subdivisions in the PPZ. We have set out the relevant provisions earlier in this decision.[58]

[58] Paragraphs [19]-[22].

[141] It is for note that the approach to subdivision in the PPZ (12ha minimum lot size) remains unchanged from the previous District Plan and no submissions were made seeking to change the approach.[59]

Appellants' assessment of the objectives and policies of the Proposed Plan

[142] Counsel first submitted that the nature of non-complying activities means that it is unlikely the proposals will find direct support from any specific provision of the Plan; that the absence of support does not equate to the activity being contrary to the objectives and policies; and 'contrary' in this context means "repugnant to … or opposed to … the objectives and policies considered as a whole".[60]

[143] We acknowledge that an overall assessment is required but note that if a proposal is found to be contrary to a provision which is, when the plan is read as a whole, "very important and central to the proposal" a finding that it is contrary to the objectives and policies of the plan can be reached.[61]

[144] Secondly, counsel submitted that the appellants' land does not comprise versatile land or does not 'entirely comprise' versatile land (Endsleigh). They assert, therefore, that the proposals are not contrary to objectives and policies that focus on the protection of versatile land.

[145] Thirdly, counsel submitted that the proposals were not, overall, contrary to the objectives and policies.

[146] The appellants' planning witnesses each approached the Proposed Plan's provisions in a slightly different way. We therefore summarise each approach. We record that each provided evidence on the proposals' consistency with the RPS objectives and policies. However, we have not detailed it here because all the planning witnesses accepted that the Proposed Plan gives effect to the RPS on the relevant issues.

[147] For Endsleigh, Mr Holder said with regard to the Urban Strategy section of the Proposed Plan that the "proposal is not on the whole contrary to the above objectives and policies because…under HPUDS the development is not ad hoc residential

---

[59] PA McKay, EIC, paragraph 40.

[60] *Lightning Ridge Partnership Ltd v Hastings District Council*, W049/2007 at paragraph [24].

[61] *Akaroa Civic Trust v Christchurch City Council*, [2010] NZEnvC 110 and Respondent's opening submissions, paragraph 73.

development or an unnecessary urban expansion' given its recognition in HPUDS as a potential future growth option in the 2017 review. This … allows for the activity to be differentiated from the other Plains zone subdivision and takes it outside the generalities of an application. The application has properly considered the most versatile portion of the site and sought to protect it from unnecessary expansion. The existing physical separation between platforms produces a distinct natural boundary."[62]

[148] Regarding the Rural Resource Strategy and Objectives, Mr Holder acknowledged that the development will remove a portion of Plains land from the District's finite pool and that it is not consistent with certain of the provisions. He observed that the portion to be removed has limited productive capacity.[63]

[149] As to the Plains SMA, Mr Holder acknowledged that the proposal is contrary to the first objective and policy as the subdivision is not for the purpose of land-based productive use and the proposed residential activities are not linked to land-based primary production (PSMO1 and PSMP2). He noted, however, that Endsleigh is seeking to preserve the most valuable portion of the site, in excess of the 12ha minimum lot size. He stated on that basis there is some consistency with the relevant objective (PSMO1).[64]

[150] As to the PPZ, Mr Holder acknowledged that, as amalgamation is not proposed, the proposed subdivision is contrary to the policy encouraging amalgamation (PPP1) and may not be consistent with the objective requiring that versatile land not be fragmented (PPO1) "if all Plains zone land is to be considered 'versatile'" land.[65] He did not consider that the development of the upper 3.7ha of land is contrary to that objective because the most versatile soils are not fragmented or compromised, as the versatile land (apple orchard) remains within proposed lot 5.

[151] Mr Holder acknowledged that the proposal is not consistent with the policy restricting the creation of lifestyle sites (PPP6), and not entirely consistent with the policy directed at establishing defined urban limits (PPP7), though the site is identified as having growth potential.[66]

---

[62] MP Holder, EIC, paragraph 44.
[63] MP Holder, EIC, paragraph 49.
[64] MP Holder, EIC, paragraph 52.
[65] MP Holder, EIC, paragraph 55.
[66] MP Holder, EIC, paragraph 59.

[152] In summary, Mr Holder considered that "the proposed activity will not be inconsistent with the overall intent of the relevant objectives and policies of the District Plan particularly when an effects-based approach is taken".[67] Mr Holder accepted that the application is contrary to the PPZ and Subdivision and Land Development objectives and policies. He said that he had however balanced that against the Urban Strategy provisions of the Plan and the higher order HBRRMP objectives and policies which he considered support the application. He considered that the acknowledgement of the land's suitability as a future growth option in HPUDS 2017 differentiates this application from other PPZ applications and takes it outside the generalities of such applications.[68]

[153] For Maurenbrecher and Evans, Ms Coats acknowledged, with regard to the Plains SMA Objective PSMO1 and related policies, that subdivision and residential development "cannot be consistent with the objectives or policies where the intensity of the subdivision is greater than 1 unit per 12 hectares".[69] She said, notwithstanding that, in accordance with Objective PSMO1 the proposal promotes the retention of productive areas, and by doing so is not contrary to the intent of Policies PSMP1-4 and PSMP6 "because the intent of these policies are partially met, albeit at a finer grain level than the underlying PPZ anticipates".[70]

[154] Ms Coats stated that, inherent in the zone is the definition of *versatile land*. She accepted that the proposal is contrary to Zone Objective PPO1 and Policy PPP1 (in the PPZ), but did not agree that the applications are contrary to the objectives and policies of the Proposed Plan in an overall sense:[71]

> This is because I do not agree that the plan intended to protect LUC Class 3s and LUC 4s where it must be managed as LUC 4s, and because I do not agree that the proposal represents uncontrolled urban expansion and or development.

[155] Ms Coats stated that the proposed conditions limit the number and scale of buildings in general accordance with Policy PPP3, and the amended proposals comply with Policy PPP4 and Policy PPP5 but not with Policy PPP6 amalgamation.

[156] Ms Coats concluded by stating that the Maurenbrecher and Evans applications "are not opposed to the outcomes sought in the relevant objective and policy

[67] MP Holder, EIC, paragraph 102.
[68] MP Holder, EIC, paragraph 103.
[69] AM Coats, EIC, paragraph 189.
[70] AM Coats, EIC, paragraph 190.
[71] AM Coats, EIC, paragraph 190.

framework of the plan…and…are in accordance with and consistent with higher order statutory documents…"[72]

Council's assessment of the objectives and policies of the Proposed Plan

[157] For the Council, both Ms Hart and Mr McKay considered that the proposals are contrary to the most relevant objectives and policies, and the Zone's policy framework as a whole.[73]

[158] While noting that the appellants' sites are not within the urban environment, Mr McKay stated that section 2.4 Urban Strategy specifically sets the direction for new residential development, including that such development is 'planned for' and consistent with HPUDS (Objective UD02). He did not consider that the subdivision proposals are planned for and consistent with HPUDS; given the direction of HPUDS 2017 for a more detailed master planning process in considering Raymond Road in the context of the wider Haumoana-Te Awanga area. Instead the applications pre-empt that process. [74]

[159] As to the Rural Resource Strategy (section 2.8), Mr McKay noted that Objective RRS01 is general in its reference to maintaining the life supporting capacity of rural resources and not just specific to the versatile land resource. In his opinion, the land has productive potential, and in that regard the maintenance of its life supporting capacity at sustainable levels is promoted by Objective RRS01.[75]

[160] With reference to the Plains SMA Introduction, Mr McKay considered the Plan's approach is supportive of the direction of HPUDS and the RPS, including the need for strategically planned growth; that approach was affirmed through overarching Objective PSM01, being specifically for the land-based productive potential of the Plains to be 'retained'. In his opinion the direction is implemented by Policy PSMP1 by requiring subdivision to be for the purpose of a land-based productive use. He noted in this context, subdivision in accordance with the Plains Lifestyle Rules resulting in an amalgamation of the balance area with an adjoining title to form a larger landholding, would be considered to be for a land-based productive use.[76] He considered that the present proposals are all seeking to further fragment the Plains'

[72] AM Coats, EIC, paragraph 214.
[73] MA Hart, EIC, paragraph 74; PA McKay, EIC, executive summary, at (x).
[74] PA McKay, EIC, paragraphs 55 and 56.
[75] PA McKay, EIC, paragraph 62.
[76] PA McKay, EIC, paragraphs 69-71

land resource. He observed that not all of the Plains SMA (including the PPZ) will be on versatile land but may share most of the other characteristics of versatile land.[77]

[161] Mr McKay outlined the relevant provisions of the PPZ. He stated that the principal method of securing the Plan's approach to subdivision in this zone is the 12ha minimum site size for general subdivision, and the ability to subdivide a Plains Lifestyle site of between 2,500m^2 and 5,000m^2 from an existing site of less than 12ha where the balance area is amalgamated with an adjoining site to create a complying title of greater than 12ha. He noted that, as amalgamation is required to create a Plains Lifestyle site, there is no increase in the number of property titles resulting from such subdivision, therefore avoiding further fragmentation of the land resource. He pointed to the success of the amalgamation approach being acknowledged in the Explanation to Policy PPP6.

[162] Mr McKay stated that the subdivision provisions implement the directive objectives and policies and effectively prevent further fragmentation of the land resource through the creation of additional sites (save for sites larger than 24ha which could create two compliant 12ha sites).[78] He considered that the approach is consistent with the strategy sections of the Proposed Plan.

[163] He summarised the relevant objectives and policies as follows:[79]

> From a district plan policy planning perspective, I note the directive nature of the subdivision related objectives and policies in the Plains Production Zone and in particular (with emphasis added): objective PPO1 ("To ensure that versatile land across the Plains Production Zone is not fragmented…"); policy PPP3 ("Limit the number and scale of buildings… impacting on the versatile soils of the District); policy PPP6 ("Restrict the ability to create lifestyle sites within the Plains Production Zone to…"); and policy PPP11 (Require that any subdivision within the Plains Production Zone does not result in reducing the potential for versatile land to be used in a productive and sustainable manner)

[164] Mr McKay considered that Policy PPP6 of the Proposed Plan is particularly significant in giving effect to the direction of the RPS, and the relevant strategy and SMA sections of the Proposed Plan in relation to the creation of lifestyle sites. In his opinion, the policy is clear in its intent to restrict the subdivision of lifestyle sites to only those involving an amalgamation of the balance area with an adjoining site. [80]

---

[77] PA McKay, EIC, paragraphs 72 and 73.
[78] PA McKay, EIC, paragraph 78.
[79] PA McKay, EIC, paragraph 83.
[80] PA McKay, EIC, paragraphs 84 and 85.

Evaluation

[165] There are two important themes underlying the objectives and policies in the Regional Policy Statement and the Proposed Plan:

(a) establish and maintain a compact urban form; and

(b) protection of versatile land.

[166] However, the Plan does not confine itself to versatile land. The Rural Resource Strategy (section 2.8) seeks to sustain the life supporting capacity of the district's rural resources, and the overarching objective of the Plain's SMA (PSM01) is to retain the land-based productive potential of the Plains environment.

[167] The introduction to the Plains SMA states that the "Plains Environment has a large component of versatile land". Mr McKay acknowledged that not all of the Plains SMA (including, therefore, the PPZ) will be versatile land, but may share other characteristics of versatile land. That is reflected in the definition of "Versatile land".[81]

[168] In the region, the tension between providing for future urban growth and the need to protect versatile land is clear. The planning documents to which we were referred, and HPUDS, all recognize that tension and endeavour to address it.

[169] We find that the Plan provisions are clearly directed to protection of the versatile land resource.

[170] We note that the Urban Strategy section is directed towards urban development. However, some reliance has been placed on the objectives that refer to urban development being undertaken in accordance with HPUDS. We note that Objective UD02 addresses urban development being planned for and undertaken in a manner consistent with the RPS, while Objective UD01 seeks to reduce the impact of urban development in accordance with HPUDS. We address the detail of HPUDS 2017 later in our decision. For present purposes, we note that the proposals are not urban developments, and development of the Raymond Road area is not referred to in the RPS or the Proposed Plan. We find that the proposals are contrary to Objective UDO4 and Policies UDP9-10 (which are directed to the retention and protection of versatile land from ad hoc urban development).

[81] PA McKay, EIC, paragraph 73 et seq.

[171] While the part of the Endsleigh's land to be developed is of lesser productive value than the orchard land, the remaining land is versatile land and has productive potential, and as such the subdivision is contrary to Rural Resource Strategy Objective RRSO1 (promotion and maintenance of the life supporting capacity of rural resources at sustainable levels). For that reason, the proposal is also contrary to Plains SMA Objective PSMO1 (land based productive potential and open nature of the Plains environment is retained) and Policy PSMP1 (subdivision shall be for a land-based productive use). We find that both proposals are contrary to these objectives and policies.

[172] Mr Holder acknowledged that the Endsleigh proposal is contrary to the PPZ's Policy PPP1 (encourage the amalgamation of existing lots into larger parcels) "if all the Plains land is considered 'versatile'". He acknowledged that the proposal is not consistent with PPP6 (restrict the ability to create lifestyle sites), but considered it is consistent with PPP11 (subdivision does not reduce the potential for versatile land to be used in a productive and sustainable manner) because the land proposed for development has been identified as having growth potential. Ms Coats acknowledged the proposal is contrary to Objective PP01 (ensure versatile land is not fragmented or compromised by building or development) and Policy PPP1 but does not accept that it is contrary to the objectives and policies in an overall sense.

[173] Objective PPO1, Policies PPP1, PPP6, Objective PPO2 and Policy PPP11 are fundamental and critical provisions. We find that the proposals strike at the very essence of these provisions and are contrary to them. Finally, we find that the proposals are contrary to the RPS objectives and policies referred to earlier and to which these provisions give effect.

Other matters (section 104(1)(c))

Plan integrity and precedent

[174] The primary thrust of the appellants' cases was that their land is not versatile land and that their proposals do not, therefore, conflict with the Plan's objectives and policies. However, they also said that their proposals are not ad hoc and are out of the ordinary because:

(a) the Council gave them a clear steer after they had lodged an appeal against decisions on submissions on the Proposed Plan that pursuing their objective for rezoning their land through the forthcoming HPUDS 2010

review was better – that they say resulted in them deciding to withdraw their appeal;

(b) recommendations of the IWG on the HPUDS 2010 review gave a signal to them that the resource consent path was the best route to take; and

(c) the reference in HPUDS 2017 to the Raymond Road area is acceptance that development of that area for rural residential purposes is appropriate. Tied in with the statement in HPUDS 2017, which they say supports their proposals, was an argument that there is an under-supply of land available for rural residential development in the region;

(d) of the physical characteristics of the properties.

[175] They also said that the Council's opposition to this proposal, founded as it was in the RPS, the Proposed Plan and the HPUDS 2017, was inconsistent with the approach taken to other applications where reliance was placed on the Strategy, even though the Proposed Plan and the RPS provided otherwise.

[176] In summary, they say all the above matters combine to establish that the Plan's integrity will not be affected by a grant of consent, and that there is no risk of other similar applications being made.

[177] For its part, the Council recognises that the appellants' land has some physical limitations and locational attributes which warrant their further consideration as an option for coastal living should that prove necessary in the longer term. However, it is concerned about the precedent that allowing the appeals could set and the consequent undermining of public confidence in the integrity of the Plan. Finally, it considers that it would pre-empt future planning of the area to permit ad hoc development such as that proposed here.

[178] First, we address relevant case authority, and then deal with the matters raised as follows:

(a) the Proposed Plan process, the development of HPUDS 2017 and supply policy;

(b) consistent approach;

(c) physical differentiating characteristics.

[179] The lead authority on plan integrity and precedent is the High Court's decision in *Rodney District Council v Gould*.[82]

[180] Relevant excerpts from the decision are:[83]

> In my view, a reasoned decision which held that a particular non-complying activity proposal was not contrary to district plan objectives and policies could not be criticised for legal error simply on the basis that it had omitted reference to district plan coherence, integrity, public confidence in the plan's administration, or even precedent.
> …
> No doubt the Environment Court will continue to advert in appropriate cases to the concepts of the integrity and coherence of the district plan, public confidence in its consistent administration, and precedent. I do not suggest that there is any error in taking that course.
> …
> It is to be observed that on this approach, it is where the circumstances of a particular case lack any evident unusual quality that granting consent may give rise to concerns about public confidence in the consistent application of the rules in the District Plan. Conversely, where the circumstances of the particular case can be seen as having some unusual quality, the constraints of what is now s105(2A)(b) may be overcome. **In an appropriate case the Environment Court can decide that there are aspects of a proposal which take it outside the generality of cases, so that the case may be seen as exceptional and if it can be said that the proposal is not contrary to the objectives and policies of the district plan, it will not be necessary also to consider and make findings, on the issues of public confidence in the administration of the district plan and district plan Integrity.** Concerns about precedent, about coherence, about like cases being treated alike are all legitimate matters able to be taken into account, as the recent decision of Baragwanath J in *Murphy v Rodney District Council* [2004] 3 NZLR 421 again emphasizes. **But if a case is truly exceptional, and can properly be said to be not contrary to the objectives and policies of the district plan, such concerns may be mitigated, may not even exist.**
>
> (emphasis added)

[181] Counsel for the appellants referred us to other authorities, submitting that the 'floodgates' argument (that granting consent could lead to a deluge of applications for similar consents in respect of other properties) tends to be somewhat overused and needs to be treated with some reserve and that each proposal has to be considered on its own merits.[84]

[182] The Court's comments in *Beacham v Hastings District Council* are apposite:[85]

> Only in the clearest of cases, involving an irreconcilable clash with the important provisions, when read overall, of the District Plan and a clear proposition that there will be materially indistinguishable and equally clashing further applications to follow, will it be that Plan integrity will be imperiled to the point of dictating that the instant application should be declined.

Proposed Plan and HPUDS 2017

[183] It is helpful to outline the chronology of events relating to the Proposed Plan,

---

[82] *Rodney District Council v Gould*, [2006] NZRMA 217.
[83] *Rodney District Council v Gould* at paragraphs [99], [100] and [102].
[84] *Beacham v Hastings District Council*, W75/2009 at [24].
[85] *Beacham v Hastings District Council*, W75/2009 at [25].

amendment to the HBRRMP, the review of HPUDS 2010 and development of HPUDS 2017:[86]

2010	HPUDS 2010 adopted by Hawkes Bay Regional Council, Napier City Council and Hastings District Council.
December 2011	HBRRMP Change 4 notified – to implement HPUDS 2010 (through the 'Managing Built Environments' chapter).
March 2013	HBRRMP Change 4 – decisions on submissions notified.
9 November 2013	Proposed Plan publicly notified.
1 January 2014	HBRRMP Change 4 became operative.
2015	A five-yearly review of HPUDS commenced.
2015	Submissions on Proposed Plan notified.
2 July 2015	Submissions and further related submissions heard by Council's District Plan Hearings Committee. Submissions sought a Rural Residential Zoning of 31 hectares over seven Raymond Road properties, including appellants' land, from D & E Ward, D & A Evans, E & V Fuhrer, A & J Maurenbrecher and J Snijders.[87]
12 September 2015/ 9 November 2015[88]	Council's decision on the submissions rejecting the rezoning request notified.
November 2015	Maurenbrecher and Evans and others appeal Council's decision (as Raymond Road Zoning Change Society Incorporated) (**Appeal**).
July/August 2016	Draft HPUDS Review released for consultation.[89]
3 August 2016	Appeal against Proposed Plan withdrawn.
2016	Maurenbrecher and Evans are part of a group who made submissions on HPUDS Review.
4 October 2016	HPUDS Review hearing held (Officers' reports on submissions circulated prior).
2017	HPUDS IWG Recommendations on submissions, released.
2017	HPUDS 2017 adopted.

[86] Compiled from PA McKay and AM Coats EIC.

[87] We record that Ms Coats and Mrs Evans stated that D & A Evans were submitters to the Proposed Plan, but that the Council's Decision Report (at DB [6] does not record them as such.

[88] AM Coats, EIC at paragraph 24; cf Mr McKay paragraph 44 says "the decision notified on 9 November 2015".

[89] We note that Ms Coats, in her evidence at paragraph 29, stated that on 23 March 2016 a draft HPUDS identified Raymond Road as potential growth area, and circles Maurenbrecher and Evans land. Mr McKay in his evidence stated there was no draft until July 2016, and that it did not circle the Maurenbrecher and Evans properties. We accept his evidence.

[184] As the chronology demonstrates, the appellants Maurenbrecher and Evans have tried through two other processes to have their land rezoned or identified for rural-residential development; through submissions on the Proposed Plan and on the HPUDS 2010 Review.

Proposed Plan

[185] As we understand, they began with submissions on the Proposed Plan. Submissions from Ward, Evans, Fuhrer, Maurenbrecher and Snijders seeking the rezoning of 31ha at 14-80 Raymond Road were rejected.

[186] A number of reasons were given by the Council in reaching its decision to refuse the rezoning request, including that at that time sufficient land had been identified for future lifestyle development in the district to meet projected demand and:[90]

> That rezoning the land subject to this request, would be premature and pre-emptive of broader planning processes, including a planned review of HPUDS and a "Master Plan" for the Cape Coast.

[187] The appellants (and others) filed an appeal. Following that, they said they were advised by the Council that a better option to the appeal process was to submit through the HPUDS review, because that would be the strategy that would determine any rezoning and whether or not the Council would support them. They said on the basis of that advice they withdrew their appeal. In this hearing, the Council pointed to the appellants' acknowledgement that they had obtained legal advice before deciding to withdraw the appeal.

HPUDS 2010 and HPUDS 2017

[188] Mr McKay, who had considerable experience prior to going into private practice as the Environmental Policy Manager with the Hastings District Council gave evidence about overseeing the Proposed Plan through its Schedule 1 process, on public participation and how the HPUDS influenced the RMA Plans. He explained that HPUDS 2010 gained some regulatory effect through the HBRRMP at Chapter 3, which is part of the RPS. Further, the HPUDS 2010 and RPS were further implemented in the notified version of the Proposed Plan (2013) with Plan Change 4 to the HBRRMP decisions released in September 2015.[91]

[90] Decision on submissions-Proposed Plan, 12 September 2015, DB [06], page 669. Refer note 87 regarding Evans' submission.

[91] Transcript Resumed Hearing, pages 63-64; PA McKay, EIC, paragraph 47.

[189] The objective is to review the HPUDS at 5 yearly intervals. HPUDS 2010 went through a process of review and submission culminating in the current 2017 version. There were opportunities for input on the draft review. The relief sought in submissions was discussed and analysed in various Reports and submitters were heard by the IWG, who made recommendations to the Council. The Council then decided if it would accept the recommendations and amend the draft HPUDS review.

[190] The HPUDS is promulgated under the Local Government Act and not the RMA. It is not a regulatory plan under the RMA. As such we can consider it in terms of s104(1)(c) if we consider it is relevant and reasonably necessary to determine the applications.

[191] It is clear that the objective of the Hawkes Bay Regional Council and the Napier and Hastings District Councils is to coordinate their approach to matters addressed in the HPUDS 2017. That approach can inform the planning documents prepared under the RMA.

[192] Maurenbrecher and Evans (and others) lodged submissions against the HPUDS 2010 Review.

[193] The nub of the appellants' concern was that the outcomes signaled in developing the HPUDS 2017 are not reflected in the Proposed Plan, or in the approach the Council has taken to defending these appeals.

[194] Much evidence was directed to the process leading to the development of HPUDS 2017, particularly to the recommendations of the IWG tasked with hearing submissions on the draft strategy and making recommendations to the Councils.

[195] Before addressing the development of the HPUDS 2017 as it relates to Raymond Road, it is useful to outline the purpose of the Strategy and the general findings of the Review.

[196] HPUDS 2017's purpose is explained on page iii of the document:

> The purpose of the Heretaunga Plains Urban Development Strategy is to assist, in a collaborative manner, the local authorities to plan and manage growth on the Heretaunga Plains while recognising the value of water and soil as a significant resource for ongoing food production and as a major contributor to the regional economy. One aim is to quantify the level of growth over the 30-year period, commencing from 2015, and how that growth is to be effectively managed through regulatory and infrastructure plans.

[197] HPUDS 2017 covers the period from 2015-2045. It is based on a preferred settlement pattern of 'compact' design for the Heretaunga Plains; this recognizes the community's preference to maintain the versatile land of the Heretaunga Plains for production purposes. By 2045 it seeks to provide for residential growth at ratios of 60% by urban intensification, 35% by greenfields development and 5% by rural development.[92]

[198] The key general findings of the review of HPUDS 2010 can be summarised as:

- There is no significant change in the underlying assumptions that would necessitate a radical change to the overall settlement pattern.
- Updated settlement projections are for significant population increase and associated increase in dwelling growth. This increase is generally still able to be accommodated within the HPUDS identified growth areas and infill growth projections, albeit with some expression of greenfield growth options and inclusion of reserve areas.
- Further analysis of potential uptake of rural residential/lifestyle opportunities concluded that sufficient supply should be able to meet demand of 850 rural lifestyle living lots over the period of the Strategy – essentially concurring with earlier findings.[93]

Development of HPUDS 2017

[199] There was some criticism of the development of HPUDS, with Mr Holder claiming that by adopting a process using a non-statutory Local Government regime, this resulted in there being "no framework against which the strategy was measured, and the formulation of the strategy was largely undertaken behind closed doors".[94]

[200] By way of example, Mr Holder explained how HPUDS was used by the Council in the case of Plan Change 4 to the HBRRMP. He stated that submissions on "appropriate development areas" were declined on the basis they were inconsistent with the HPUDS. He understood that anyone wanting a change to the RMA-formulated documents concerning a "greenfield area" would first need to get a change to the HPUDS.[95] Essentially, we understood him to say, the HPUDS took on a life of

[92] HPUDS 2017, pages 1 and 2.
[93] HPUDS 2017, page 4
[94] MP Holder supplementary evidence at paragraph 10.
[95] MP Holder supplementary evidence at paragraph 14.

its own outside the formal RMA processes but without the necessary rigour associated with RMA founded plans. It is on this basis that the appellants, having actively participated in good faith in the HPUDS process, and allegedly being directed to do so in preference to lodging an appeal under RMA Plan review processes, feel that they should be able to rely on the HPUDS 2017 for support, and on the various reports that underpin it.

Submissions

[201] Three submissions were lodged seeking that HPUDS recognise approximately 20 ha of 'upper terrace land' [over three properties] fronting Raymond Road as being appropriate for a form of 'low density residential' development. The submissions were from Endsleigh, Raymond Road Rezoning Group and Raymond Road Rezoning Group (Mr Maurenbrecher).[96]

Officers' Report

[202] The Officers' Report on submissions did not support the identification of Raymond Road as a potential Rural Residential Zone but recommended adding a reference to the HPUDS description of Haumoana that Raymond Road could be suitable for coastal growth choices subject to further assessment through a Masterplan process. Officers observed that "Such an approach could provide a reasonable signal to the community and submitters of how this area could be incorporated into a coastal choices context if tested further".[97]

[203] Officers also stated that the approach "would enable the landowners, at their own cost and risk, to work through the RMA process options available to them. This could be through a Non-Complying Resource Consent, for instance (under the current PPZ) for the 3 properties involved, assessed on its own merits, scrutinised in a much finer and more detailed resource consent approach".[98]

IWG recommendation

[204] For its part, the IWG noted in the Recommendations Report:[99]

---

[96] Note, these submissions were for a smaller area involving fewer properties than the corresponding submission lodged to the Proposed Plan in 2013 which unsuccessfully sought a Rural Residential Zoning of 31 ha of land over seven Raymond Road properties, including the land subject to appeals -

[97] PA McKay, EIC, paragraph 16 and Attachment 1-Officers' Report pages 18-19.

[98] See above Note for reference to the Officers' Report.

[99] IWG Report, page 5 DB [07].

> While there may be some uncertainty in the long term, depending on how subdivision is realised over time, adding Raymond Road as a potential Rural Residential Zone, or as a reserve, would, not in our view, be consistent with HPUDS in its overall approach of achieving a more compact settlement pattern.

[205] It did, however, note that this part of Raymond Road is in close proximity to the Haumoana (and Te Awanga) settlement, the Haumoana school and the Park Hill Rural Residential Zone. It said that the Raymond Road area could be reasonably considered as part of that geographical area in terms of providing coastal living choices, and that this would be an option for investigation as part of the foreshadowed Master Plan process for the Cape Coast.[100] It said that this area could represent "sustainable land use management if considered further as an option for low density housing in the future". This was tied to the proposed Master Plan process, with reference made to the potential for 15 (1ha plus) sites. It said:[101]

> Considering this against the full growth projections across the 30-year period, it would provide a relatively small amount of housing as a coastal choice that is clear of coastal hazards and flooding if the future Haumoana/Te Awanga Master Plan process deemed such development appropriate.

[206] Against that background, the IWG made two recommendations.

[207] First, a change to section 8.8.1 Coastal Settlements to include an additional description relating to 20ha of land on the corner of Raymond Road and Parkhill Road (now section 4.3.4 Coastal Settlements in HPUDS 2017). That change was accepted by the Council. Seen in context, the added words are highlighted:

> Haumoana
>
> Haumoana is a popular coastal settlement located approximately 9km east of Hastings. The settlement is low lying and parts of it have been subject to flooding, coastal inundation, and coastal erosion. Infrastructure limitations and topographical considerations generally make the settlement unsuitable for further growth. There is however a small area of land located off the southern side of East Road and contiguous to the existing Coastal Residential Zone and close to the Suburban Commercial Zone off Clifton Road, that is free of flooding and coastal hazard constraints and suitable for residential growth.
>
> **There is also an area of approximately 20ha on the corner of Raymond Road/Parkhill Road opposite the Haumoana School on 'Ruataniwha f' soils (also described as 'Waipukurau 30' soils), free of flooding and coastal hazard restraints that could be suitable for coastal growth choices. This would be subject to further assessment through the proposed Masterplan process to commence after the completion of the Clifton – Tangoio Hazards Strategy.**
>
> **This assessment would include matters such as:**
>
> **a) The productive versatility of this area and the Ruataniwha f soil type;**
>
> **b) Reverse sensitivity with nearby horticultural/viticultural and poultry farm activities; and**
>
> **c) Appropriateness in terms of contributing to the Haumoana / Te Awanga**

[100] IWG Report, page 5, DB [07].
[101] IWG Report, page 5 DB [07].

THE SEAL OF THE ENVIRONMENT COURT OF NEW ZEALAND

development options as part of the HPUDS preferred settlement pattern.

> Te Awanga
>
> Te Awanga is situated approximately 2 km to the south of Haumoana. For the most part it is not as low lying as Haumoana and as such is better suited as a growth option to provide for that segment of the market seeking a coastal location. There are however a number of issues that point to any growth being limited in this area. This includes land use compatibility with the area being a valued viticulture area. The landscape in this area also has special qualities. Any future growth must be away from coast in recognition of climate change and the potential for coastal erosion.
>
> (emphasis added)

[208] Secondly, it noted that:[102]

> …the landholders could choose to pursue a development proposal through a resource consent application process, but the Working Group does not recommend amending HPUDS to get into details of sanctioning particular sites for development via a resource consent application process.

[209] In this hearing it was apparent from the questioning of Council witnesses that there was some frustration waiting for work to be completed.

[210] In his evidence Mr McKay gave a detailed explanation of what steps would need to be taken in respect of the Master Plan process. He stated the reference to the Master Plan awaiting completion of the Clifton-Tangoio Coastal Hazards Strategy reflects the fact that the Strategy will determine if, when and how much land within the wider area may be required to implement managed retreat from the coastal erosion and inundation hazard.[103]

[211] Mr McKay added that, at the time of the HPUDS submissions hearings, the Council had not committed to any physical coastal protection works in the Haumoana residential area, and the outcome of the Coastal Hazards Strategy was still uncertain. He noted that certain defence/retreat recommendations have been made that are yet to be adopted through the Council's 2021-2031 Long Term Plan process. Work on the Master Plan process may not, therefore, commence until after the recommendations have been consulted on.[104]

[212] Mr McKay reported that, in the meantime, land has been rezoned for coastal residential development in Haumoana and Te Awanga comprising some deferred zoning which awaits the outcome of the Master Planning Process.[105]

---

[102] IWG Report, page 5 DB [07].

[103] PA McKay, EIC, paragraph 23.

[104] PA McKay, EIC, paragraph 25, referring to a memorandum from Council's Principal Advisor District Development: Attachment 2 to his EIC.

[105] PA McKay, EIC, paragraphs 26 and 27.

[213] He stated that the future Master Plan would need to specifically address the Deferred Residential land at East Road, Haumoana; that the need for any additional land to be rezoned in the wider area would then be determined through the Master Plan exercise, which could include consideration of the Raymond Road area to be assessed under matters set out in section 4.3.4 HPUDS 2017. He further observed that there is presently a very small shortfall on indicative development yield for Haumoana/Ta Awanga. He stated that any significant areas of further residential or lifestyle land to be identified through the proposed Master Plan process would depend on actual rates of uptake of zoned land over the intervening period, and compensating for any loss of existing coastal residential land through erosion and the implementation of any future managed retreat option.[106] He stated that as approximately 118 of the estimated 130 residential lots required to satisfy growth needs to 2045 have been allocated, there is no pressing need for the 12 lot shortfall to be filled prior to the Master Plan process. We deal with matters of supply in the next section.

Evaluation

[214] The appellants claimed that HPUDS 2017 recognises the possibility of future development in their area, and as such, even if their proposals are contrary to the objectives and policies of the Plan, granting consent would have no effect on plan integrity. They relied on HPUDS 2017, which stated that the 20 ha in question could make an appropriate contribution to lifestyle choices. In that regard, we record Mr Lawson's submission that the Strategy identified a very limited number of potential growth option sites, and in particular in the vicinity of the properties only three options were considered to be possible future development sites. The first is the 20ha area just referred to, the second and third being two small parcels of land in the south of Clive. Both are in the PPZ and both have been considered for intensive residential development as non-complying activities. The appellants also pointed to the IWG Recommendations (previously referred to) as further support for their submissions.

[215] On the plain reading of the words in section 4.3.4 of HPUDS 2017 it is clear that the Council indicated that in determining the area's suitability for coastal growth choices, it had to undertake an assessment through a Master Plan process. No other option for enabling development was mentioned. We note that the IWG in its recommendations acknowledged that, as an alternative, the submitters could pursue

[106] PA McKay, EIC, paragraph 32.

their desired outcome following a resource consent path. That does not of itself support such an application but simply identifies that reality. In the event, that is what some submitters have done and what is before the Court now.

[216] The Proposed Plan references HPUDS 2010 and 2017 and notes that the relevant recommendations have been incorporated into the RPS; and that the Plan will implement the RPS directions and other recommendations from the HPUDS.[107]

[217] Section 4.3.4 of HPUDS 2017 is not specifically incorporated into the Proposed Plan. That may be an accident of timing, with the two processes, review of HPUDS 2010 and the Proposed Plan, overlapping one another. More fundamentally, section 4.3.4 is not a green light for development. The appellants argued that the Council is inconsistent in the way it is applying its key strategies "concerning land productivity and compact settlement and the tools used to guide development including HPUDS".[108] Because, they say through HPUDS the Council recognized that lifestyle development in this locality was not by its nature at odds with the Strategy, subject to testing these matters further. And therein lies the rub. As we have identified, the Strategy simply states that the area could be suitable for coastal growth choices. More assessment would be needed before the area could be so identified. That is where matters stand at the present time.

[218] We note that Mr McKay acknowledged that HPUDS 2017 provides some differentiation to the Raymond Road area as being potentially appropriate for subdivision and development. That acknowledgement is however tied to an additional process, being the Haumoana - Te Awanga Master Plan to determine if Raymond Road is appropriate for providing coastal choice residential options for that wider area. Granting consent to the applications would pre-empt this process. The appellants maintained that their proposals would not pre-empt the process because building on each proposed lot was limited and the proposed conditions have been drafted so as to ensure that there would still be options for each lot to accommodate a greater intensity of development. We disagree. Further fragmentation of the land would foreclose on future planning for the area. The proposed lots form an ad hoc patchwork of sites within the larger area.

[107] See paragraph [126] of this Decision.
[108] Closing submissions for M & E, paragraph [13].

[219] We note too that, in answer to the Court's questions, Ms Coats confirmed her view that the appellants' land had been incorrectly zoned.[109] That the appellants' land is part of an identifiable area, but does not represent all the sites in it, leads us to the view that a planned approach to any rezoning would be consistent with the HPUDS 2017 and would better fulfil the clear guidance in the relevant RMA planning instruments.

Supply policy

[220] A further pillar of the appellants' case was that there is a shortfall in supply of the type of subdivision/residential/rural lifestyle sites that would be addressed in part by the proposed subdivisions. This was reliant on information underpinning HPUDS 2017.

[221] HPUDS 2017 is informed by a substantial number of background review reports,[110] including the "Heretaunga Plains Urban Development Study Market Demand Report" prepared by TelferYoung Hawkes Bay Ltd[111] (**TelferYoung Report**). That report considered that there was potential for a reasonably sizable under-supply. However, a further report by Cheal Consultants Ltd (**Cheal Report**)[112] was specifically commissioned to look deeper into what the TelferYoung Report found in its review regarding the potential for a shortfall in the projected rural lifestyle site supply.[113]

[222] Mr McKay, in answer to questions, explained that the Cheal Report looked at the existing vacant rural lifestyle stock without houses, and at potential for further subdivision of the existing zoned areas. It considered all the different non-urban zones including the Rural Zone, the PPZ, the Rural Residential Zone and a couple of special character zones within the Hastings district, although it was focused on the Heretaunga Plains sub region as a whole so is not specific to the Hastings district per se. It considered what could realistically be expected if further subdivision were to occur. It moderated those findings in terms of proximity to the main suburban areas, picking up on the TelferYoung Report's concern that some supply may not meet market preference because it is too far from urban centres.

---

[109] Transcript First Hearing, page 171 line 15.

[110] See list on pages 32 and 33 HPUDS 2017.

[111] Heretaunga Plains Urban Development Study Market Demand Report prepared by TelferYoung Hawkes Bay Ltd, February 2016. DB [19].

[112] Review of Rural Residential Lifestyle Sites, Cheal Consultants Ltd (June 2016) DB [14].

[113] Transcript Resumed Hearing, page 67.

[223] The conclusion of the Cheal Report was that there is enough rural residential or lifestyle residential housing choice, but that the Councils should keep a watching brief on that situation with future reviews. Mr McKay advised that, ultimately, this work led to the conclusions in the HPUDS 2017 that there was no need for action to be taken on providing more lifestyle residential subdivision.[114]

[224] Specific to the Haumoana and Te Awanga areas, HPUDS 2017 estimates 130 residential[115] lots are required to satisfy residential growth needs out to the year 2045. Mr McKay was asked for his opinion on how well catered for the 130 is at the moment. His understanding was that, of the 130 residential lots currently required to satisfy residential growth needs out to 2045, 118 have already been allocated.[116]

[225] We addressed earlier Mr McKay's conclusion that there is no current need for the shortfall of 12 lots to be filled prior to commencement of any Master planning processes. We agree.

Consistent approach

[226] The evidence also examined other out-of-zone decisions the Council has recently made permitting non-complying subdivisions.

[227] We note Mr Lawson's submission that HPUDS 2017 identified two other sites in the vicinity of Raymond Road as potential growth sites – both of which have been consented, the inference being that there is 'precedent' for departing from Plan provisions. We do not see the matter that way and repeat the observation we made earlier; that the Strategy does not green light development in Raymond Road, and to that extent it differs from the other two sites.

[228] The consent to which particular attention was paid by the appellants was the Davidson consent, and the weight Mr McKay (as planner for the applicant) attached to the IWG Report on Theme 3 submissions and HPUDS 2017 when considering that application. Mr Maassen argued that it showed the importance of the HPUDS process in local planning administration. Mr McKay acknowledged that the IWG's Recommendation and HPUDS 2017 were relevant to his assessment of the Davidson proposal. In his opinion, the IWG recommendation differed from that for Raymond

[114] PA McKay, EIC, paragraph 32.
[115] HPUDS 2017 Figure 6: Long Term Development Capacity, page 20.
[116] Transcript Resumed Hearing, page 70, lines 1-7 and PA McKay, EIC, paragraph 32.

Road because it said that development of that site would not be an affront to the HPUDS' aims and principles. He also considered that the site could be distinguished from the generality of other land surrounding the Clive Township. We have some reservations about the extent to which a recommendation on a submission made to the HPUDS 2010 review should weigh in favour of or against a proposal. That recommendation is one step removed from the HPUDS 2017, which itself is not a RMA statutory document.[117]

Evaluation

[229] While this evidence demonstrates that there can be circumstances where such proposals are appropriate, it does not demonstrate that those circumstances are transferable to the current situation.

Physical differentiating characteristics

[230] For Maurenbrecher and Evans, Mr Maassen submitted there were a number of physical differentiating characteristics that the properties possess from other properties in the zone. We have also considered these in relation to the Endsleigh land (as far as relevant):

(a) the properties possess an undulating duripan and have scientifically proven substantial limitations, they must be managed as LUC Class 4;

(b) that, if the Court were to find that mounding is required to achieve 'high productive' use, that would place the Maurenbrecher and Evans land into a different class from other properties;

(c) proximity to the Haumoana school and kindergarten;

(d) immediate adjacency to the Parkhill Rural Residential land and to lifestyle zones;

(e) small allotments where land re-aggregation is neither feasible nor sensible given soil qualities;

(f) a clear terrace marking the sites as separate from the Plains below.

[117] We observe that HPUDS 2017 does contain a reference to the property involved in the Davidson proposal, recording its exclusion from areas identified where greenfield growth is inappropriate: HPUDS 2017, section 2.5(d) and Note to that section.

[231] The Council in response claimed that the appellants' properties share features in common with other sites in the immediate and wider region: lot size, soil classification and underlying presence of the duripan. It was concerned that if consent is granted to the proposals, the expectation may be created for other properties within the local and wider area to subdivide without having to comply with the Plan's requirements. Mr McKay had referenced the 31ha of Raymond Road upper terrace land and a wider area of 200ha located to the east of Parkhill Road with the same mapped soil type as the appellants' land and also in close proximity to the settlements of Haumoana and Te Awanga. It was also concerned about expectations that could be created for non-complying subdivisions when some part of the land does not meet the Plan's definition of versatile land.

Evaluation

[232] We have addressed the quality of the soils and the productive potential of the land. We do not consider that the soil characteristics or the underlying duripan are unique to the appellants' properties. Further we consider that granting consent to the proposals could mean that there would be expectations of further subdivision for the full 31ha of upper terrace land on the northern side of Raymond Road, due to a similar soil type being apparently shared by these properties.[118]

[233] In addition, if applications were to be granted on the basis that land is not 90% LUC 1-3 at a site-specific level, it may be difficult to refuse consent to subdivision applications of other properties throughout the PPZ on soil type 1-3 with limitations as to their versatility. Soil maps appended to Ms Hart's evidence[119] identified that the same soil type that applies to the Raymond Road upper terrace also applies to a much larger area (approximately 200ha) of PPZ land between East Road, Haumoana and Te Awanga, extending generally to Parkhill Road in the west to the coastal lands in the east.[120] In questioning Mr McKay who gave evidence about the 200ha area, Mr Maassen made the point that development on the 200ha couldn't happen because it would be controlled through HPUDS 2017, which has not identified that land for development. Mr McKay stated that the point he was making was that the 200ha shares similar characteristics to the Raymond Road area soils, proximity to Haumoana school and the settlements of Haumoana and Te Awanga; and that some

[118] PA McKay, EIC, paragraph 105, and AM Coats, EIC, Figure 4.
[119] MA Hart EIC, Appendix 7.
[120] PA McKay, EIC, paragraph 97.

of the land may be considered as part of the Master Plan process.[121]

[234] We heard evidence to the effect that the total number of existing titles in the PPZ is 4,018 and that of those, 3,424 are on titles of less than 12ha.[122] This highlights the importance of our being satisfied that these proposals are different to others that may come before the Council for consent.

[235] As to the other characteristics raised by Mr Maassen, proximity to the school, kindergarten and Parkhill Rural Residential Land, we do not consider those on their own to differentiate the appellants' properties from other land in close proximity and in the PPZ.

[236] Despite our finding that the appellants' land is versatile land, we record that, even if we had found the appellants' land not versatile, we would have been unable to rely on that alone to support a grant of consent. We would have thought, at best, that it could give rise to further investigation of the zoning of the land as opposed to being a means of obtaining resource consent – given the risk of ad hoc development occurring across the zone.

Summary

[237] We conclude:

- That we should not have regard to the IWG Recommendations.
- HPUDS 2017 is a document to which we can have regard under s 104(1)(c) and we do so. But we do not consider that it provides the basis for a departure from the provisions of the Plan because it refers to the necessity for another process and further, its provisions have not been incorporated into the Plan. Granting consent to these proposals would foreclose on future planning for the area. The proposed lots form an ad hoc patchwork of sites within the larger area.
- Supply of rural-residential lots is not presently an issue.
- The appellants' properties and circumstances are not so unusual as to ensure that granting consent to the proposals would not challenge the

[121] Transcript Resumed Hearing, page 96.
[122] MA Hart, EIC, paragraph 63.

integrity of the Proposed Plan.

- If the applications were granted, it would create an expectation for other properties in both the Raymond Road area and wider area to be able to subdivide their land without complying with the Proposed Plan's site size controls. Further, it could give rise to expectations that subdivision for lifestyle sites could occur without an associated amalgamation of land where some part of the site did not meet the definition of "versatile land" at a site specific level.

G. National Policy Statement on Urban Development Capacity (NPS-UDC)

[238] For Endsleigh, Mr Lawson submitted that the Court is required to have regard to the NPS-UDC that came into effect in 2016. The relevance of the NPS-UDC was not raised by Mr Maassen for Maurenbrecher and Evans in his submissions. Ms Coats, however, gave evidence acknowledging that, while the NPS-UDC has limited applicability, providing rural-residential properties within the Plains sub-region has the possible effect of releasing pressure on the urban environment.

[239] Given that the relevance of the NPS-UDC had not been put in issue by Endsleigh prior to the hearing, we gave the Council and Endsleigh a further opportunity at the close of the hearing to make written submissions on the issue.

[240] Mr Lawson submitted that the NPS-UDC is relevant to our consideration of the Endsleigh subdivision proposal and that the proposal is consistent with the NPS because:

(a) although the proposed subdivision is not an "urban activity" defined in the HBRRMP and the Proposed Plan, the NPS has a wider application and is expressly not restricted to the boundaries of urban areas;

(b) while the focus is on the "urban environment", with the Napier-Hastings area being classified as a medium growth urban area, the definition of "urban environment" describes a "concentrated settlement of 10,000 people or more …" but is "irrespective of local authority or statistical boundaries";

(c) with reference to the Ministry for the Environment's guide on providing a Future Development Strategy,[123] local authorities can decide for

[123] Ministry for the Environment 2017. National Policy Statement on Urban Development Capacity:

themselves the geographic area that the future development strategy will relate to; and

(d) that is similar to the approach that the Napier City Council, Hastings District Council and Hawkes Bay Regional Council took in defining the area covered by HPUDS and in making provision for both residential and rural residential/lifestyle growth in the Urban Growth Strategy;

(e) there is no shortage of demand for lifestyle sites, relying on the reference to supply of rural residential type lots in the Quarterly Report[124] and to the TelferYoung Report that informed the HPUDS 2017;

(f) the NPS-UDC heralds a more enabling approach to creating a supply of land for housing than that which existed at the time the HBRRMP, Proposed Plan and HPUDS 2010 and 2017 were prepared; and finally

(g) the blanket protection/prohibition of Plains Production Zone subdivision is not consistent with the NPS-UDC objectives of enabling urban environments to respond to the needs of the community.

[241] The Council did not accept that the NPS-UDC has any relevance to the Court's consideration of the Endsleigh subdivision proposal – in effect, that the NPS-UDC refers to an 'urban environment' and 'development capacity'. Both terms are defined, and they exclude the Raymond Road area.

[242] We read in the preamble to the Policy Statement a description of the urbanisation of New Zealand and the background or setting for the Policy Statement which provides direction to decision makers under the RMA on planning for urban environments. The following extract provides context:[125]

> …
> This national policy statement provides direction to decision-makers under the Resource Management Act 1991 (RMA) on planning for urban environments. It recognises the national significance of well-functioning urban environments, with particular focus on ensuring that local authorities, through their planning, both:
>
> - enable urban environments to grow and change in response to the changing needs of the communities, and future generations; and
> - provide enough space for their populations to happily live and work. This can be both through allowing development to go "up" by intensifying existing urban areas,

Responsive Planning Guide on producing a future Development Strategy, paragraph 2.3 at p. 9, Wellington.

[124] Hastings & Napier Urban Area, Housing and Business Market Indicator Monitoring: Quarterly Report to 31 March 2019, May 2019.

[125] NPS-UDC, page 3.

> and "out" by releasing land in greenfield areas.
>
> This national policy statement covers development capacity for both housing and business, to recognise that mobility and connectivity between both are important to achieving well-functioning urban environments. Planning should promote accessibility and connectivity between housing and businesses. It is up to local authorities to make decisions about what sort of urban form to pursue…

[243] Further explanation in the Preamble states that local authorities will still need to consider a range of matters in deciding where and how development is to occur including the direction found in the NPS-UDC. The Policy Statement does not anticipate development occurring with disregard to its effects.

[244] The NPS-UDC focusses on planning for urban environments. It covers development capacity for both housing and business.

[245] The term *urban environment* is defined in the NPS-UDC as:

> Urban environment means an **area of land** containing, or intended to contain, **a concentrated settlement of 10,000 people** or more and any associated business land, irrespective of local authority or statistical boundaries.
>
> (emphasis added)

[246] The term *development capacity* is defined as:

> Development capacity means in relation to housing and business land, the capacity of land intended for urban development based on:
>
> a) the zoning, objectives, policies, rules and overlays that apply to the land, in the relevant proposed and operative regional policy statements, regional plans and district plans; and
>
> b) the provision of adequate development infrastructure to support the development of the land.

[247] Mr Williams for the Council submitted that the Haumoana/Te Awanga area is not a concentrated settlement of 10,000 people or more and that it makes no sense to treat the entire district as the area of land referred to in the definition.

[248] The area referred to is clearly land that contains, or is intended to contain, 'a concentrated settlement of 10,000 people or more'.

[249] We do not consider that an 'area of land' includes the entire territorial administrative area of the Council, as that does not comprise a concentrated settlement. We had no evidence to suggest that a population of 10,000-plus persons is intended for Haumoana/Te Awanga.

[250] Also, it is clear from the definition of *development capacity* that it relates to *urban development* and relies on, among other factors, capacity of land based on planning documents promulgated under the RMA – in this case, the relevant regional and district plans.

[251] In this case the Council(s), through their combined planning documents and HPUDS 2017, have been acting in a manner consistent with the NPS. We recognise, however, that the NPS-UDC provides a codified expression of what is required by way of planning for urban environments and was not in existence when HPUDS 2017 and the Plan were prepared. However, the HPUDS analysis and program for consideration of placement of development is designed to be reflected in RMA plan provisions as these documents are reviewed and considered under the RMA process.

[252] We were referred to Objectives OA1 to OD2 and Policies PA1 to PA4 of the NPS-UDC by counsel. Mr Lawson also referred in depth to the HPUDS work which, as we have said, spans a period before the NPS-UDC was finalised, and findings that we can see clearly represent the combined Councils' work in securing a rational approach to growth, and particularly rational decision making, along the lines now anticipated by the NPS-UDC. We would go as far as to say that the HPUDS represents the kind of analysis and planning expected by the NPS-UDC.

[253] The NPS-UDC, however, is clear in its application to urban environments, and clear in its direction that planning decisions should align with the purpose and principles of the RMA, as similar language is used. It includes additional direction for planning to provide in an evidence-based manner for urban environments where land use, development, development infrastructure and other infrastructure are integrated with each other.[126]

[254] For the reasons outlined above, we conclude that the NPS-UDC is not relevant to our determination of the appeals and that the regional and district planning documents provide us with the guidance necessary to consider the proposals.

[255] Even if the NPS-UDC is relevant to our consideration of the proposals, we consider that HPUDS 2017 and the Proposed Plan have focused on development capacity for housing in a manner that is consistent with the NPS. Further, in so focusing, they have had regard to the effects of development and a range of other

[126] Objective Group D NPS-UDC.

matters.

H. Commissioner's and Council's Decisions

[256] In terms of s 290A of the RMA we are to have regard to the Council's decisions. In this case for Endsleigh, we have had regard to the Council's decision on its objection. For Maurenbrecher and Evans we have had regard to the Commissioner's decision on their proposals. On the matters we found to be critical issues in these proceedings, our findings largely accord with those decisions.

I. Overall evaluation

[257] We set out the requirements of s 104 earlier in our decision. We must have regard to the s 104(1) matters.

[258] Those matters are stated by s 104(1) to be "subject to Part 2". The decision of the Court of Appeal in *R J Davidson Family Trust v Marlborough District Council*[127] (***Davidson***) determined that:

(a) the position of the words "subject to Part 2" near the outset, and preceding the list of matters to which a consent authority must have regard in s 104, clearly show that it is necessary to have regard to Part 2, when it is appropriate to do so;[128]

(b) if it is clear that a plan has been prepared having regard to Part 2, and with a coherent set of policies designed to achieve clear environmental outcomes, reference to Part 2 is unlikely to add anything;[129]

(c) if a Plan has been competently prepared under the Act, in many cases a consent authority will feel assured in taking the view that there is no need to refer to Part 2 because it will not add anything to the evaluative exercise. Absent such assurance, or if in doubt, it will be appropriate and necessary to do so.[130]

[127] *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 (***Davidson***).
[128] *Davidson* at paragraph 47.
[129] *Davidson* at paragraph 74.
[130] *Davidson* at paragraph 75.

[259] The Court of Appeal also said:[131]

> [82] Having regard to the foregoing discussion we agree with Cull J's conclusion that it would be inconsistent with the scheme of the Act to allow regional or district plans to be "rendered ineffective" by general recourse to Pt 2 in deciding resource consent applications, providing the plans have been properly prepared in accordance with Pt 2. We do not consider however that King Salmon prevents recourse to Pt 2 in the case of applications for resource consent. Its implications in this context are rather that genuine consideration and application of relevant plan considerations may leave little room for Pt 2 to influence the outcome…

[260] Counsel for Endsleigh reminded us that we need to have regard to all of the s 104(1) matters. That requires us to give genuine attention and thought to the matters set out in s 104, but they must not necessarily be accepted.[132] He submitted that the Council had given primacy to the Proposed Plan provisions and failed to consider all s 104 matters.

[261] An overall assessment of all of the s 104(1) matters is required.

[262] Counsel for the appellants made a number of submissions regarding the relevance of Part 2 to our evaluation.

[263] Counsel for Endsleigh argued[133] that, because a non-complying activity is unlikely to find any direct support from the Plan, recourse to Part 2 for non-complying activities is more likely to be required in achieving the sustainable management purpose of the RMA. He submitted that subdivision is not prohibited, and non-complying applications are contemplated by the RMA; the Council's position puts preservation of the Plan provisions ahead of the sustainable management purpose of the RMA; the purpose of the RMA is reflected in the anticipated outcomes of the Proposed Plan, and in the Proposed Plan context sustainable management has the same meaning as in s 5 of the Act – that the outcomes envisage the use, development and protection of natural and physical resources, not just blanket protection at all costs, including at the cost of achieving a common-sense outcome. He submitted that the soil resource has severe limitations – it runs counter to sustainable management to adopt invasive and complicated technologies in an attempt to mitigate issues – that brings into play s 7(b), the efficient use and development of resources and s 7(g) finite characteristics of natural and physical resources; as the Plan's anticipated outcome envisages sustainable management of resources, it is entirely consistent with a proper Part 2 consideration of a non-complying activity.

---

[131] *Davidson* at paragraph 82. Refer note 127.
[132] *Foodstuffs (South Island) Ltd v Christchurch City Council* [1999] NZRMA 482.
[133] Endsleigh opening submissions, paragraph [44].

[264] Also, with reference to the NPS-UDC, Mr Lawson submitted that as the RPS and Proposed Plan were prepared in a planning environment that did not include that Policy Statement, "the suite of objectives aimed at absolute protection of the soil resource needs to be tempered".[134] He submitted that this requires recourse to Part 2.

[265] In considering Part 2, Mr Maassen[135] submitted that as the Plan does not accurately map the versatile land of the district, its objectives and policies as they relate to the appellants' land are weakened.[136]

[266] The Council submitted that the Plan provisions at issue are both coherent and the result of a genuine process that has fleshed out or given substance to the Part 2 purpose and principles in the RMA.

[267] We do not consider the NPS-UDC to be relevant to our consideration of these appeals for the reasons already stated. It follows that the timing of the NPS-UDC does not require that the Proposed Plan's objectives aimed at protection of the soil resource need to be tempered by recourse to Part 2.

[268] We have found that the appellants' land is versatile land. It can also be described as productive land. The strategies, objectives and policies to which we have previously referred are engaged by the proposals.

[269] We have carefully considered the relevant provisions of the RPS and the Proposed Plan. The Proposed Plan specifically and consistently restricts subdivision and the ability to create lifestyle sites in the PPZ and, as the planning witnesses have agreed, appropriately gives effect to the RPS.

[270] The Proposed Plan's provisions are clear and purposeful in seeking to achieve amalgamation through the use of a subdivision rule which if applied, implements the clear objectives for the zone, the SMA, and the scheme of the Proposed Plan which supports the RPS.

---

[134] Closing submissions for Endsleigh, paragraph [76].

[135] Opening submissions for M & E, paragraph [50].

[136] He made this submission with reference to the Environment Court's decision in *R J Davidson Family Trust v Marlborough District Council* [2016] NZEnvC 81. Relying on that decision, he said "… if the resource management drivers that have led to the overall framework apply to the resource and achieve their intended aim then that has a significant constraining impact on the evaluation. If under scrutiny, that framework does not apply to the resource or otherwise, the framework does not achieve the purpose of Part 2, RMA then this constraining force is greatly weakened."

[271] We heard that the approach to subdivision in the PPZ has remained unchanged from the previous district plan. There were no submissions in the plan review seeking to change the approach of a 12ha minimum site size and provision for a lifestyle site to only be created with the associated amalgamation of the balance of the site with an adjoining site.[137]

[272] For the reasons previously outlined, we consider that the provisions of the Proposed Plan as they relate to these proposals are "coherent" and "designed to achieve clear environmental outcomes". Accordingly, we determine that reference to Part 2 is unlikely to assist us further in our evaluation.

[273] We have accepted the parties' evidence that the effects of the proposals are no more than minor. We do not consider that the positive effects outlined by the appellants, for example protection of (significantly lesser) production areas on each lot, outweigh our fundamental concerns about the proposals.

[274] We consider that the Proposed Plan provisions at issue give effect to the RPS. We have found that the proposals are contrary to the objectives and policies of the Proposed Plan.

[275] We do not consider that the statements in HPUDS 2017 assist the appellants, as the Proposed Plan and RPS are the statutory documents that prevail under the RMA. In any event, we note that HPUDS 2017, insofar as it relates to the Raymond Road area, does no more than foreshadow possible development of this area after a Master Planning exercise has been undertaken.

[276] We do not consider that the proposals are exceptional. They have the potential to undermine the Plan through ad hoc development, and pre-empt any future planning of the area. We find, therefore, that to grant consent to them would undermine the integrity of the Proposed Plan.

[259] For all the above reasons, we determine that it is not appropriate to grant consent to the proposals.

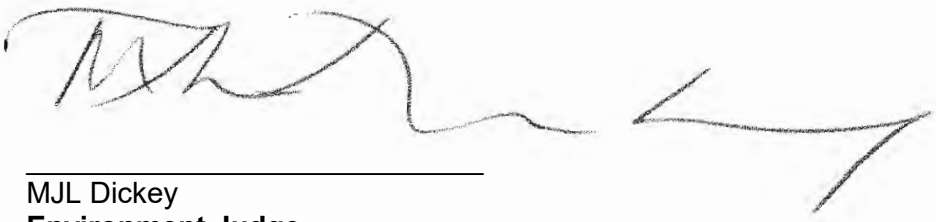
[137] PA McKay, EIC, executive summary, paragraph v, paragraphs 37 and 38.

Outcome

[277] The appeals are dismissed.

[278] Costs are reserved. Any application for costs is to be filed within 20 working days of the issue of this decision. Any reply is to be filed within a further ten working days.

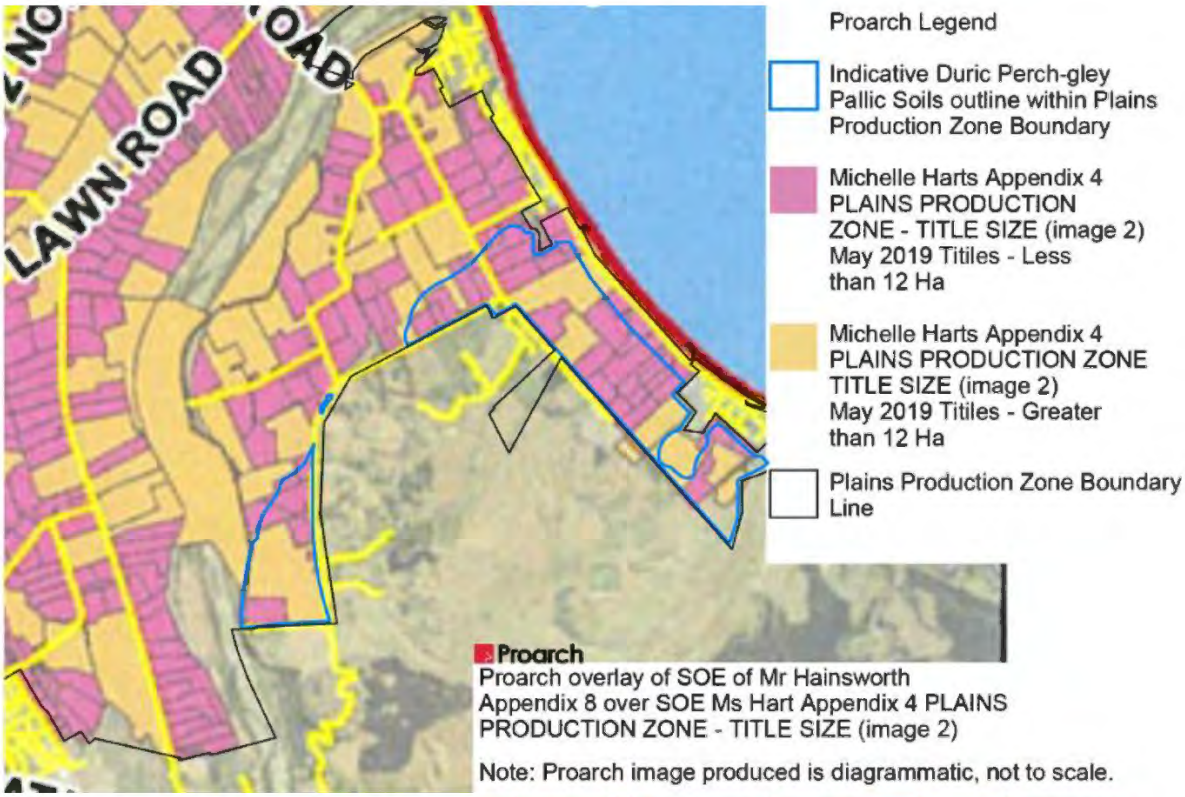
For the Court



MJL Dickey
Environment Judge

ATTACHMENT A

Diagrams from AM Coats Rebuttal Evidence



THE SEAL OF THE ENVIRONMENT COURT OF NEW ZEALAND

ATTACHMENT B

Schedule XIV - Heretaunga Plains sub-region: location map

THE SEAL OF THE ENVIRONMENT COURT OF NEW ZEALAND