

Infrastructure Committee  
28 August 2020

Report for Agenda Item | Rīpoata moto e Rāraki take 3

Department: Property & Infrastructure

Title | Taitara QLDC Submission on ORC plan change 7 – water permits plan change

**PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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- 1 The purpose of this report is seek approval from the Infrastructure Committee for a submission on behalf of QLDC to the Environmental Protection Authority (EPA) regarding the Otago Regional Council (ORC) proposed plan change 7 (the water permits plan change).

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That the Infrastructure Committee:

1. **Note** the contents of this report and the submission attached;
2. **Approve** the provision of the submission to the Environmental Protection Authority.

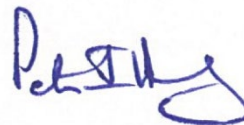
Prepared by:



Jen McGirr  
Environmental Manager

13/08/2020

Reviewed and Authorised by:



Peter Hansby  
GM Property & Infrastructure

13/08/2020

## CONTEXT | HOROPAKI

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- 2 The ORC is proposing a plan change to add a new chapter to the Regional Plan: Water for Otago.
- 3 The ORC notified this plan change earlier in 2020 however it has since been called in by the Minister for the Environment as a proposal of national significance, and the plan change submission and hearing process is now being managed by the EPA.
- 4 The proposed plan change is intended to provide an interim planning and consenting framework for the assessment of resource consent applications to renew deemed permits expiring in 2021 and any other water permits expiring prior to 31 December 2025. It also relates to applications for new water permits. This interim approach allows time for the ORC to develop and notify a new and comprehensive Land and Water Regional Plan (LWRP) by the end of 2023.
- 5 QLDC is required to obtain water permits from the ORC for each community water take. Each time a new water take is applied for, or a renewal application is made, the application is assessed against the policies and rules in the ORC Regional Plan: Water for Otago.
- 6 The operative ORC Regional Plan: Water for Otago contains a number of policies and rules that specifically relate to water permits for the purpose of community supply. The plan change proposed by the ORC seeks to apply a set of broader and more restrictive policies and rules to replacement and new water permits, over-riding the existing rule framework until the new LWRP is in place.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 7 The proposed plan change has been reviewed in relation to potential impacts on QLDC's ability to renew existing water permits for community water supply or to apply for new water permits.
- 8 The proposed new policies and rules form a planning framework supporting the granting of water permits for only short durations and for reduced volumes of water. Any applications in conflict with this fall into a non-complying activity status.
- 9 QLDC considers that community supply water permits warrant a longer duration and the ability to at least maintain current authorised volumes of water, to provide for security of water supply and recognising the essential service that it is.
- 10 QLDC is seeking amendments to the proposed new policies and rules to acknowledge the importance of community water supplies and to result in a planning framework that provides for security of water supply.
- 11 A submission outlining QLDC's position on each aspect of the plan change and the amendments sought, has been provided as an attachment to this Council Report.

**12 Option 1 : Lodge the attached submission with the EPA and present a case at the hearing***Advantages:*

- 13 QLDC has the ability to present their views throughout the submission and hearing process.
- 14 Requested amendments may be incorporated into the finalised and operative version of the plan change and the importance of community water supply will be recognised.
- 15 By influencing the outcome through the submission and hearing process, QLDC may save costs when applying for new and replacement water permits for community water supply in the future.

*Disadvantages:*

- 16 There is a financial cost to obtaining planning and legal advice throughout the hearing process.

**17 Option 2 : Do not lodge a submission***Advantages:*

- 18 The expense of preparing for and attending a hearing is spared.

*Disadvantages:*

- 19 QLDC will have no opportunity to seek amendments to the proposed plan change or to influence the outcome.
  - 20 QLDC may experience the impact of this when applying for new or replacement water permits for community water supply under the new rules. It may become increasingly difficult to provide for security of supply by obtaining long term water permits with sufficient abstraction volumes.
  - 21 Additional expense may be borne when applying for new or replacement community water supply permits under the proposed plan change framework, if the concerns around community water supply are not addressed through the submission and hearing process and amendments are not made.
- 22 This report recommends **Option 1** for addressing the matter due to the benefits of presenting a case in support of a suitable planning framework for water permits for community water supply, recognising the importance of security of water supply, and noting that this may also result in lesser expense in the future when applying for water permits.

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**CONSULTATION PROCESS | HĀTEPE MATAPAKI:**

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**> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA**

- 23 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the QLDC submission is seeking amendments to the ORC proposed plan change in order to maintain its current ability to apply for or renew water permits for the purpose of community supply.
- 24 The level of significance determines the level of compliance necessary with the decision making requirements in sections 76-78 of the [Local Government Act 2002](#). A higher level of compliance must be achieved for a significant decision.
- 25 The persons who are affected by or interested in this matter are the residents/ratepayers, businesses and visitors of the Queenstown Lakes District who rely on reticulated community water supply.
- 26 The Council has not consulted with the local community in relation to this submission. Any organisation or member of the public has the ability to submit directly on the ORC proposed plan change.

**> MĀORI CONSULTATION | IWI RŪNANGA**

- 27 The Council considers that iwi consultation is not required in relation to the QLDC submission. Iwi have the ability to submit directly on the ORC proposed plan change.

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**RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA**

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- 28 This matter relates to the Community & Wellbeing risk category. It is associated with RISK00012 Core infrastructure is insufficient – poor infrastructure planning and RISK00056 Ineffective provision for the future planning and development needs of the district within the QLDC Risk Register. These risks have been assessed as having a high and moderate inherent risk rating respectively.
- 29 The approval of the recommended option will support the Council by allowing us to retain the risk at its current level. This shall be achieved by seeking to retain a similar ORC planning framework for water permits for the purpose of community water supply as the current Regional Plan: Water for Otago provides.

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**FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA**

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- 30 There is no requirement for any operational and capital expenditure requirements additional to existing approved budgets or Annual/Ten Year Plans.

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**COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA**

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- 31 The following Council policies, strategies and bylaws were considered:
- Ten year plan

- Three waters asset management plan
- Water supply specific Water Safety Plans as approved by Public Health South

32 The recommended option is consistent with the principles set out in the named policy/policies.

33 This matter is included as operational expenditure in the Ten Year Plan/Annual Plan.

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#### **LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE**

34 The submission has been reviewed from a legal perspective and updated accordingly.

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#### **LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA**

35 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by enabling the continued provision of reticulated community water supply;
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

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#### **ATTACHMENTS | NGĀ TĀPIRIHANGA**

A	QLDC submission on ORC proposed plan change 7
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