

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I MUA I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

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 (referred to the  
Environment Court by the Minister for the  
Environment under section 142(2)(b) of the Act)

OTAGO REGIONAL COUNCIL  
(ENV-2020-CHC-127)  
Applicant

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**OPENING STATEMENT**

**BY HAMISH RENNIE  
ON BEHALF OF WISE RESPONSE INCORPORATED**

**RE - PLAN CHANGE 7**

**(13 May 2021)**

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- 1) My name is Hamish Rennie and I have been asked by Wise Response to present its submission and introduce its witnesses.
- 2) I am not a lawyer and have no previous experience in this role and beg the court's indulgence and guidance on procedural matters and missteps I might make.
- 3) Wise Response would like to record its appreciation of the positive approach of the Court to ensuring that all parties have a fair opportunity to present their positions and to engage in the process. As an organisation that is entirely staffed and supported by volunteers, Wise Response has welcomed the clarity of instructions and the work of the support staff in getting information out and guiding us on procedural matters.
- 4) I especially thank Commissioner Dunlop for his responsiveness to my questions regarding the witness conferences.
- 5) You will shortly hear from the experts called by Wise Response, climatologist Dr Jim Salinger and hydrogeologist Mr Duglad Mactavish.
- 6) Dr Salinger will present evidence on climate change and its projected effects on the Otago Region.
- 7) Mr Mactavish will address the hydrological health and, especially, the possibility of generating environmental flows for the rivers in the region.

## **ISSUES**

- 8) Many of the rivers and wetlands in Otago are degraded, largely as a result of the demands placed on them by the taking of water for agricultural land use.
- 9) Climate change will most probably increase the extent and frequency of dry periods in Otago, as Dr Sallinger will describe in his evidence.
- 10) Together, these issues mean that Otago, its rivers and ecosystems, and its people, face an uncertain but degraded future unless positive action is taken. Our current way of doing things is not sustainable management.

## **Plan Change 7 is Environmental**

- 11) The purpose of plan change 7 (PC7) is said to be transitional. In essence, it seeks to provide a framework through which to consider applications for consents to replace the large number of consents due to expire before a Land and Water Plan is prepared that gives effect to the National Policy Statement on Freshwater Management.
- 12) Wise Response, however, sees the plan as not merely transitional but also as environmental.
- 13) This is because the consents issued under PC7 will have environmental effects. **An important concern is that consents might be issued that will prolong the degradation of the health of many of the rivers in Otago.**
- 14) An associated concern is the locking-in of unsustainable land use practices.
- 15) The starting point for WR is the NPS-FWM on which WR was a submitter. WR understands that the NPS is to be implemented as soon as reasonably practicable in council planning documents
- 16) The NPS establishes the dominant role of Te Mana O Te Wai, and Sub-Part 1, 3.2 (4) requires that Te Mana O Te Wai inform decisions made on plan changes, such as PC 7.
- 17) Part 1, 1.3 (4)(d) states *Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater **now** and into the future* (emphasis added)
- 18) Wise Response considers PC 7 offers a timely opportunity to commence implementation of the NPS
- 19) We share with others the determination that PC7 does not undermine the implementation of the National Policy Statement on Freshwater Management (NPS) and Te Mana o Te Wai.
- 20) There is a clear hierarchy in the priorities for Te Mana O Te Wai (1.3(5))

- (a) first, the health and well-being of water bodies and freshwater ecosystems*
- (b) second, the health needs of people (such as drinking water)*
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

- 21) The health of rivers can be aided by maintaining or restoring environmental flows.
- 22) Mr Mactavish will provide evidence of the potential for and importance of achieving environmental flows.
- 23) Wise Response seeks that plan change 7 include provisions that require decision-makers to avoid granting resource consents to take water unless the take is from rivers where the environmental flow is maintained or restored.
- 24) Mr Mactavish is of the opinion that could be readily achieved with available information.
- 25) The NPS describes at *1.6 Best Information* the requirements and necessity to act on such information as that Mr Mactavish says is available.
- 26) Wise Response therefore considers there should be no delay in applying that knowledge through PC7 to require that no new permits to take water be issued unless an environmental flow has been established for the relevant river and its tributaries.

### **S32AA**

- 27) The deemed permits were provided for a period sufficient to enable returns on the investments as they were at that point in time. The same applies to any consent to take water.
- 28) Anyone making investments subsequent to acquiring a permit would be aware when their consent would expire. The value of those consents should have declined accordingly. To expect otherwise would be irrational.
- 29) The very basis of making permits of limited duration (temporary) was to allow for the community to express value changes over time through plans. There has been a value change and that is captured in the NPS and is in favour of Te Mana O Te Wai.

30) 'Replacement' permits are new permits – the priority accorded to them is only in relation to their assessment against other uses of the same type.

31) As the permits expire the impact of requiring those who seek new permits to do so within the constraints of environmental flows is an efficient and effective way to give effect to the NPS. It meets the legitimate expectations of the society that has created the NPS provisions. To do otherwise would be at the cost of the integrity of the NPS process.

#### SUMMARY

32) The term 'replacement consent is a misnomer, these are new consents largely to enable a particular form of unsustainable land use to continue for economic gain when societies values have changed and support healthy rivers.

33) There is sufficient information to generate environmental flows for most of the region's rivers

34) It is timely and efficient to implement the objectives, policies and rules in PC7 to achieve hydrologically healthy rivers now, providing certainty for applicants and decision-makers

Dated this 13 day of May 2021

*Hamish G. Rennie*

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Hamish G. Rennie