

**Submission on Proposed Water Permits Plan Change (Plan Change 7 or PC7)**  
**to the Regional Plan: Water for Otago**

To: Otago Regional Council  
policy@orc.govt.nz

From: Coal Creek Water Users Group

Prepared by: Caroline Tamblyn

Address: [REDACTED]

Contact: [REDACTED]

Trade Competition:

Members of the Coal Creek Water Users groups could **not** gain an advantage in trade competition through this submission.

We are directly affected by an effect of the plan change that adversely affects the environment; and does not relate to trade competition or the effects of trade competition.

Speaking Rights:

Our group members would like a representative to be heard in support of our submission at the hearing.

Endorsement:

Our water group is part of the umbrella group "Otago Water Resource Users Group" (OWRUG). We endorse their submission on this Plan Change 7.



Caroline Tamblyn

Richard Tamblyn

Michael Crabbe

Phil Alison

Kerry and Tom Ballantine

Mary-Anne Webber

Rhys Williams

Brent Marshall

Malkeet Dillon

Ken Harliwich

Raymond Gunn

Neville Gunn

## **1. Background to the Coal Creek Water Users Group**

- We have 10 members in our group using irrigation water for a mix of land uses:
  - sheep & beef farms (flat land hay & lucerne paddocks),
  - stone fruit orchards -apricots, mostly cherries, some nectarines & plums
  - peonies, event garden venue
- In total, the group irrigates just over 100ha
- our average annual rainfall is 560mm, quality soils, mostly Waenga silt loams that are excellent for horticulture
- Coal Creek is a short tributary that flows directly into the Clutha River just below the Roxburgh dam.
- There has always been plenty of water in the creek with good flows into the Clutha River during the peak irrigation season. The seasonal natural low flow time is in autumn after the fruit season.
- the water quality is excellent, most of us drink the water (untreated of course) for domestic use plus stock water
- Everyone uses efficient irrigation methods, many irrigators have recently upgraded their infrastructure to improve the maximise the efficiency of their systems
- we have been gathering data for our application for the past 3 years, our application is quite well advanced, we hoped to lodge our application after this irrigation season.

## **2. Reasons why irrigation is essential to our orchard & farm business**

- During most of the growing season here, the water demands of fruit trees and pasture grasses far exceeds the available soil moisture ie the naturally low rainfall here is not sufficient for plant survival let alone growth. During the summer months, we might not receive any rainfall for many weeks so we rely completely on irrigation to water fruit trees and pasture.

- Since 1863 landholders here have taken Coal Creek water to irrigate their orchards and paddocks on the valley floor. In our low rainfall climate, ongoing irrigation is necessary to:
  - establish young plants that would otherwise die from moisture stress
  - enable fruit trees and pastures to be productive bearing crops
- Optimum irrigation application is also critical at growing stages such as sizing fruit to a saleable size and quality that determine the grower's price for the crop.
- Water is also used for frost fighting during spring when the fruiting blossoms are vulnerable to frost. Wind machines are not always an alternative for frost fighting as they do not work on all sites.
- The relatively small area of irrigated pasture or cropping paddocks on farms are a vital part of part of farm systems to reliably provide feed for stock.
- Reliable irrigation water enables a large range of crops to be grown, whereas very few plants are productive under dryland conditions. Water security is reflected in the value of land as obviously irrigation water produces crops that deliver a reliable economic return.

## **Reasons to reject the entire Plan Change 7:**

### **Policy 10A.2.1**

*Policy 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) There is no increase in the area under irrigation, if the abstracted water is used for irrigation; and*
- (c) 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.*

AND

### **Rule 10A.3.1**

*Rule 10A.3.1 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 that irrigated in the 2017-2018 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 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.*

**We oppose Policy 10A.2.1 and Rule 10A.3.1 because:**

**3. Preparing an application under PC7 costs too much, this has huge implications for our group**

- All users rely on race water for domestic and stock water. For some members, an open channel water race delivers this essential water supply. It is not tenable to cut people's water off if they can not pay their share of the application costs.
- small properties can not justify retaining irrigation water, they become dryland. This grandfathers a terrible waste of the food growing potential of our high quality horticultural soils.
- We are all neighbours, it is incredibly difficult to work through these huge issues that PC7 would cause
- the future post COVID 19 is very uncertain for all members of our group. Future incomes from our business's, job security & salary is unknown. It is unfair that PC7 causes increased costs that some people may not be able to pay. We have already lost a group member for this reason.

**4. Short term of consent**

- A short term causes huge uncertainty for businesses regarding future water allocation and conditions. Our members plan and make decisions beyond a 6 year time frame.
- we are not causing adverse effects on the water way then it should be possible to get a far longer term replacement permit.

- the effect of a short 6 year term is to increase the application costs on a per year basis.

## **5. ORC are acting in bad faith and are under prepared**

- For the past 3 years our group has been working through gathering the information that ORC advised us as being necessary to support our application. We spent \$6,000 for the hydrology work alone. PC7 ignores all our preparation work by choosing arbitrary unrelated criteria.
- We have spent a considerable amount of money gathering the information for an application under the existing Water Plan where we need to provide supporting information on Hydrology, instream ecology and residual flows. Then at the 11<sup>th</sup> hour the ORC moves the goal posts and introduces PC7 and we have to spend additional funds to assess our water under this Plan Change.
- In our case we had almost completed the information gathering to support our application under the existing Water Plan and now most of that information is not required and we have to carry out a further analysis under PC7- so additional costs on top of the already high costs.
- For the last 5 years or more the ORC have been actively “requiring” not just encouraging, but “requiring” that we gather information on the hydrology of the catchment, the freshwater ecology, the conversion to efficient irrigation – this has been at a large cost with consultants, hydrologists and the groups own input time. - and now the rug is pulled out from under this approach and another policy PC7 is introduced
- Until PC7, ORC staff have advised us that irrigators would certainly get the same amount of water that they historically used. When we upgrading infrastructure to improve the efficiency of water use, irrigators relied on this advice. This is worse than misleading.
- Flow meters were installed in 2014 and 2015 so our group does not have flow data for 5 years from 2012 to 2017. Where did this arbitrary time period come from? Reliable open channel water flow meters were not even available in 2012. Why not use the most recent flow data from the past three seasons?
- Irrigators who applied to renew their deemed permits years ago, complained about how underprepared ORC were to process them.

- constant changes by ORC over the years, especially introducing PC7 is confusing, misleading and hard to understand by an average person. It is also very confusing the different directions ORC are taking.
- ORC's decision to ask Minister Parker to "Call in" process is unprecedented and sneaky move which shows that the council did not want to properly engage with our objections to PC7.

## **6. The methodology for calculating rate of take and volumes is flawed and nonsensical**

- Calculations of Daily water use show the problems that arise from the ORC "averaging method" for assessing water use. When averaging the flows in the Bottom race over the whole year the "Daily maximums" are over accentuated by the high flows in June and July 2016 (presumably these were rainfall events with high flows in the race and not irrigation at that time of year). This a good example of why PC7 is not an appropriate means of assessing water use.
- The Aqualinc Guidelines are what the ORC promotes in the existing Water Plan as the guideline for how much water can be applied for in the new water permits. The water use assessed under PC7 is less than the water use recommended by Aqualinc, particularly for the monthly and Annual requirements – this shows the problem with the "averaging" method proposed in PC7.

## **7. Policies to reduce water extraction plus cap irrigable area to 2017-18 year**

- Where and earth did these policies come from? Is this a policy that Fish and Game support? Choosing the 2017-18 season is bizarre, arbitrary and totally contrary to how ORC have told us to prepare our application.
- Choosing the 2017-18 season has no basis. Our deemed permits allow water use over any irrigable area until October 2021. Choosing the 2017-18 irrigation year is arbitrary and unfair to those who water users who for different reasons were not irrigating during that year.
- When members installed efficient irrigation it was a large investment in spray irrigation, conversion to wind turbines for frost fighting to reduce water use etc. PC7 is perverse regarding this investment in that an efficient water user will not have sufficient water under the averaging methodology in PC7 while an inefficient irrigator with a large flow abstraction will be better off under PC7.

## **8. A false claim that the current water plan is "unfit for purpose"**

- Recent decisions show that the current process works, this plan change is unnecessary. The Lindis decisions and the recent Luggate creek water permit

applications showed that balanced water allocation decisions can be made using the existing Water Plan and the NPS Fresh water guidelines.

- ORC, over many years have failed to focus on the practicalities of preparing to process this wave of deemed permit renewals. At this late stage, it makes no sense for ORC's limited resources to be needlessly focused on dealing with PC7.

## **9. Poor communication and consultation by ORC**

- Constant staff changes may be the cause of ORC's lack of preparedness to deal with deemed permit renewals.
- The consultation period for the PC7 has been ridiculously short. Deemed permit holders received email on 20 December 2019 giving them 23 hours notice to book a speaking slot for the forum on 7 January 2020 in Dunedin, not in Central Otago. This timing over Christmas holidays, a busy farming and cherry harvest was very inconvenient for farmers, growers and consultants.
- ORC's decision to "call in" PC7 thwarts meaningful consultation
- Submissions are now open over a national emergency lockdown period. Our water group discusses and makes decisions by gathering and meeting as a group, we can't do this at this time. It is not practical for 10 group members to talk together any other way.

## **10. How does PC7 relate to environmental outcomes ?**

In our case the hydrology report we commissioned for Coal Creek shows that there is plenty of natural flow for our irrigation requirements. We believe that the aquatic values of Coal Creek are not negatively impacted by our water takes. Further, low natural flows occur after the irrigation period of the year. The "one size fits all" approach by PC7 isn't relevant to our catchment or pattern of use.

## **11. Solutions**

- Abandon Plan Change 7, continue with the current water plan that we consider "fit for purpose". This is by far our first preference.
- Our second suggestion is to 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.