



# SUBMISSION FORM – Proposed Water Permits Plan Change (Plan Change 7) to the Regional Plan: Water for Otago

Office use only

Form 5, Clause 6 of Schedule 1, Resource Management Act 1991

Full name of submitter:

Name of organisation (if applicable): Enfield Limited

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Telephone: 0274598090

I **wish** / ~~do not wish~~ (circle preference) to be heard in support of my further submission.


If others made a similar submission, I **will** consider presenting a joint case with them at a hearing. (Delete if you would not consider presenting a joint case)

**Trade competitor’s declaration** (if applicable)

I ~~could~~ / could not (circle one) gain an advantage in trade competition from this submission

I am / ~~am not~~ (circle one) directly affected by an effect of the plan change that

- (a) Adversely affects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

Signature of submitter:  (on behalf of Enfield Ltd) Date: 4/5/2020

(Or person authorised to sign on behalf of person making submission. Signature not required if you make your submission by electronic means)

**Please note that all submissions are made available for public inspection.**

**State what your submission relates to and if you support, oppose, or want it amended:**

(e.g. support rule ‘x’, or amend policy ‘y’)

Enfield Limited (EL) opposes the whole of PC7.

**State what decision you want the Otago Regional Council to make:**

(e.g. amend policy ‘y’ to say....)

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.

**Give reasons for the decision you want made:**

*(e.g. I want policy 'y' changed because...)*

EL owns and operates a large beef and deer farm, at the northern end of the Pisa Range, roughly located between Luggate and Queensberry. They hold 2 deemed permits (95600.V1 & 95736.V1) authorising the take and use of water from Poison Creek and a tributary of Poison Creek. Water abstracted from these take points is raced over a considerable distance to dam located in the bed of an ephemeral watercourse, along with a newly constructed out-of-channel reservoir. Water is subsequently used for irrigation and stock drinking. EL also holds Water Permit 95737.V1, authorising the damming of a tributary of the Clutha River. All aforementioned permits expire on 1 October 2021.

A water meter was installed down-race of the water takes (WEX0193) in August 2015 and has been gathering reliable abstraction data since.

Considerable expenditure has been made to maintain the water take, conveyance, storage and irrigation infrastructure in good working order. EL has already invested heavily in water storage to reduce instantaneous reliance on surface water, including the maintenance of a dam and construction of a new reservoir, and is planning to make critical structural improvements to the dam to ensure it is in line with dam safety requirements and has no leakage. EL has installed several pivots for efficient water use, and has recently expanded their irrigation area with the installation of a new K-line system and associated water meter.

In September 2019 EL applied to the ORC to replace the existing deemed permits to take water (RM19.345). This application is seeking a consent duration of 25 years for both replacement permits. EL's preference is to obtain replacement consents before PC7 is made operative. A replacement application for the aforementioned dam permit has not yet been lodged, as EL is in the process of finalising design plans for the upgraded dam prior to lodging. The intention would be for this replacement dam permit to have a sufficiently long duration to enable the lending needed for the proposed upgrades and ongoing maintenance.

EL is seeking the above decision on PC7 for the following reasons:

1. EL has acted in good faith and has been preparing for their replacements for some years, being mindful of the previously well signalled process and efficiencies that would be required to comply with the existing Aqualinc models and undertaking science work to understand the effects of their activities on the instream ecology and hydrology of Poison Creek and its tributaries.
2. Subsequently significant investment has already been made in consultancy, planning and infrastructure by the EL on the farm.
3. EL has prepared and lodged our application in a timely manner and it is through no fault on our part that the goal posts have now shifted due to resourcing limitations at the ORC that have led to an inability to handle the process despite having known about this looming expiry date for Deemed Permits for the last 30 years.
4. There is no need for PC7. The existing Regional Plan Water (RPW) is proving effective at retiring paper water in catchments where that is an issue. It is not an issue in all catchments, especially in the Clutha. The issues with the current RPW that have been identified in the s32 report are not overcome by PC7. Everything identified in PC7 can still be achieved under the existing RPW framework. More detail on this can be found in submissions made by others.
5. Great progress has already been made by many permit holders in improving their water use efficiency and environmental performance. Implementing PC7 will stop any progress to improve water use efficiency in its tracks as short duration permits will not enable investment in the required infrastructure or efficiency upgrades.
6. Schedule10A.4 is fundamentally flawed and completely misunderstands irrigation. Seasons and crops do not have average years. Demand and supply is highly variable. Calculating actual usage should be just that – actual usage. In addition, metering these intakes is a relatively new thing. There were challenges in establishing a meter on the water takes early on due to there not being a sufficient number of qualified providers able to get them functioning in a relatively inaccessible, remote location.

7. The method proposed provides no flexibility or consideration of the individual situations and unfairly impacts on permit holders who have incomplete abstraction records between 2012-2017 for reasons such as development to improve water use efficiency or difficulty in establishing a meter.
8. We are concerned that the cost of the proposed resource consent processes could put many permit holders out of business. Many struggle to fund long term consent applications, let alone having to go through it twice (once now and again in 6 years). It can take 6 years just to gather the data and do the research to lodge an application! None of this is farmers' fault and so it is unfair to put the farmers to the cost of applying under PC7.
9. In addition, the strict requirements of the proposed controlled activity rule mean that many permit holders who have yet to lodge their replacement application will end up having to follow the non-complying activity pathway simply as a result of water metering records being incomplete/not accurately reflecting the farming situation, thereby defeating the purpose of PC7 to get most permit holders to replace their consents under a simple, roll-over type process. The threshold for a non-complying activity is much harder to overcome given the wording of the proposed policies and will require substantial investment in consultants and science work to demonstrate the effects are less than minor for such a short term consent.
10. There is no explanation as to why PC7 limits the irrigation area to the 2017-2018 season, nor is there any evidence indicating what this is intended to achieve or why the 2017-2018 year would achieve this more than another year. By placing this limit in PC7, permit holders cannot increase efficiency by, for example, moving from flood irrigation to spray irrigation over a larger area. There is no apparent benefit achieved by this rule. There is also no way that an application could meet the controlled activity rule where irrigation area increases have already occurred after the 2017-2018 season, meaning irrigators will be penalised for allowing organic on-farm growth to occur.
11. The expectations of the policies, conditions of the rules and matters of control in the rules in PC7 do not enable a "short term relatively low-cost consent" as identified by the Council as the expected outcome of the PC7 process. In order to provide information to satisfy the PC7 provisions, permit holders will need to engage expert consultants to:
  - a. review and evaluate water use records,
  - b. interrogate the abstraction data using the proposed methodology (this is not simple and cannot be done by individual permit holders),
  - c. understand the farm system in terms of water use, soil types and irrigation areas,
  - d. undertake water use efficiency calculations using, for example, Aqualinc methodology,
  - e. research and understand any instream ecological values to be able to recommend whether fish screens may or may not be appropriate,
  - f. research and understand hydrological flow patterns, alongside any fish values, to provide an assessment of whether fish passage is required.
12. PC7 provides no consent pathway for dam permits, meaning they would automatically be classified as a non-complying activity, thereby incurring significant costs in investigations and application preparation in order to meet the higher thresholds for a non-complying activity.
13. Reviewing a consent is already provided for in the RMA through section 128(1)(b). Any new limits that may be introduced under the future Land and Water Regional Plan can be brought in through a review. This would address one of the key issues that PC7 is trying to address.
14. A short term consenting framework for existing permits that did not cost permit holders anything might be acceptable whereby no information is required to be researched, prepared, submitted, and audited by ORC (as all of these steps incur substantial costs and of note is that agreement with ORC staff on some of the above points is often time consuming and costly already), but is not preferred because:
  - a. In many catchments it is not necessary. PC7 should be targeted to those places that actually need it (wherever they are).

- b. It will discourage investment in efficient infrastructure.
  - c. It will discourage permit holders from working with other stakeholders to achieve environmental benefits (e.g. proposing residual flows for the individual waterbodies)
  - d. Now, more than ever, farmers should be investing in things that actually support the economy, not putting the economy on hold for 6 years. PC7 should encourage seeking long term consents under existing rules where that is possible and not cut that off as an option.
15. There has been a complete failure to assess the costs and benefits of PC7 compared with alternatives (including doing nothing). So PC7 should be rejected entirely.

**Please attach any additional information.**

## **SUBMISSIONS MUST BE RECEIVED BY 5.00 PM ON Friday 17 April 2020**

Post to Otago Regional Council  
Private Bag 1954  
Dunedin 9054

Email to [policy@orc.govt.nz](mailto:policy@orc.govt.nz)

Deliver to Otago Regional Council offices at:

- 70 Stafford Street, Dunedin
- William Fraser Building, Dunorling Street, Alexandra
- Terrace Junction, 1092 Frankton Road, Queenstown

Online at [www.orc.govt.nz/WPPC](http://www.orc.govt.nz/WPPC)

### **Please note:**

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.