



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

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

Office use only

Full name of submitter: Heaney Road Partnership Ltd .....

Name of organisation (if applicable): represented by Mark Hely .....

Email: [redacted] .....

Postal Address (or alternative method of contact): [redacted] .....

.....

Telephone: [redacted] .....

I **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 not (circle one) gain an advantage in trade competition from this submission

I am (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: ..... Date: .....

(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')

Heaney Road Partnership oppose all of PC7 and want it removed completely.

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

(e.g. amend policy 'y' to say.....)

.....

We want the EPA to refuse all aspects of PC7 and to allow all water permits to be processed under the current Water plan policies and rules.

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

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

## **Submission to the NZ Environmental Protection Agency in respect of the Otago Regional Council's proposed 'Plan Change 7.**

### **Water ensures businesses are viable**

This proposed plan change is specifically aimed at farmers and horticulturists in Central Otago where the prevailing microclimate is such that irrigation of pasture and crops has always been necessary to ensure their commercial viability. When water is applied at the appropriate rates and times, areas that would otherwise be arid, flourish, and orchards, vineyards and market gardens produce high quality crops which have the reputation of being amongst the finest in New Zealand, and are indeed ranked highly in the world.

### **History**

This irrigation utilizes water sourced primarily from rivers and streams, in most cases making use of historical water races and infrastructure initially constructed for gold mining. The irrigators are very aware of their responsibility as custodians of these historical structures to ensure that the privilege of continuing to keep them in working condition will endure long into the future.

The rights to construct and maintain these water races, including the right to take water, were initially issued and managed by the Warden's Court, who issued Deemed Permits under the Mining Act. In the depression years of the 1930's the then Public Works Department (later Ministry of Works) amalgamated the irrigation in many areas into 'Irrigation Schemes' which still operate successfully today.

However in a nationwide effort designed primarily to mitigate flood risks, a network of 'Catchment Boards' was also set up. In addition, some concerns had been raised in the early 1960's about the damage to the environment that had been caused by uncontrolled sluicing during the gold rush days, and legislation (1967 Water and Soil Conservation Act) was passed to ensure this could never happen again. A 'Grandfather Clause' was inserted covering the Deemed Permits, later setting an expiry date of 31<sup>th</sup> October 2021.

With the advent of the Resource Management Act the Otago Catchment Board was re-named the Otago Regional Council and became responsible for issuing resource consents for both the taking and discharging of water in a defined geographical area, which included Central Otago. While they were able to exercise control over any new developments involving water resources, existing older irrigation schemes were able to continue operating under their Deemed Permits.

### **Ongoing efficiency improvements**

Predominantly irrigation last century, particularly of pasture, was achieved by effectively inundating the soils by methods known as 'wild flooding', or later border dyke irrigation. Wild flooding consisted of blocking a relatively small water race (say around 50 litres/second capacity) such that the water overflowed the bank and ran out onto the surrounding pasture. Once saturation was reached the temporary 'dam' (typically a canvas sheet mounted on a portable frame) was carried downstream around 40 metres and the process repeated.

As this method was very labour intensive and relatively wasteful of water, where the topography was suitable the paddocks were divided into 10m wide strips by low bunds. The water was channelled down these strips by closing permanent sheet-metal gates in the race. This caused the water to discharge over a concrete sill into a 'border' for a specific period of time – usually until the visible flow reached a point a little over halfway down the strip. Flows of around 50 l/s for each border were typical, with often 3 borders watered simultaneously if sufficient water was available.

While border dyke irrigation was significantly more efficient than wild flood methods, it is widely accepted that application of water to land by sprinklers gives far better results with much less water. In the case of horticulture and viticulture water is applied directly to the plants by controlled drippers. Heaney Road Partnership properties use sprinkler irrigation for pasture and controlled dripper irrigation for horticulture.

The point I am making here is that landowners in Central Otago have, over the years, transformed Central Otago from an arid wilderness into one of this country's most sought after areas to live and farm. As better and more efficient methods of irrigation come available they are quickly evaluated and, if found appropriate, put into use. Irrigation water is our lifeblood and is treated accordingly – anyone seen wasting water would soon be made aware of the error of their ways.

### **ORC incompetence and poor planning document**

Many of the more senior and experienced staff of ORC have by now resigned and set themselves up as consultants to help irrigators deal with the looming expiry of Deemed Permits. Sadly, in general, those staff that remain seem to have little practical experience, as borne out by their issuing 'Proposed Plan Change 7'. Close inspection of this document shows that in fact it is an appalling piece of work which should never have been allowed out of the office. Of the 14 pages perhaps 6 are relevant and, yes, I am qualified to comment having compiled many reports on Central Otago Irrigation during my 22 years as a Senior Engineering Officer with the Ministry of Works.

### **Heaney Rd Partnership situation**

My wife and I own a 30 hectare block in the Lowburn area and, along with two adjacent blocks of a similar size have formed the Heaney Road Partnership to use and maintain an old mining race dating from 1878. Water is sourced from any or all of the Lowburn and three smaller tributaries, all of which ultimately flow into Lake Dunstan. Lake Dunstan in turn is fed by the Clutha River system which is not fully allocated (A total allocation of 20,000 litres/second from the Clutha River System was set by the Clyde Dam Empowering Act).

Heaney Road Partnership has an application already prepared for a Resource Consent to be issued in substitution for our Deemed Permit, a share of which each of us purchased with our land. We have already, as recommended by ORC:

- Engaged a Consultant to ensure we submit the required information in the correct format
- Engaged a hydrological specialist to complete a detailed in-stream assessment and residual flow recommendation
- Had the ORC mandated measuring structure installed and maintained.

Our costs to dates are relatively high, but we were prepared to meet these in order to gain a long term permit up to 35years as allowed in the RMA and secured by Lindis Catchment Group members recently in Environment Court. Had we known that ORC were about to issue PPC 7 limiting the consent to 6 years we would have considered these costs unsustainable.

Our blocks of land enhance the Lowburn Valley as between us we have transformed our patch of land from extensive grazing to now include an award winning vineyard, a model productive small farm raising deer, cattle and sheep in a park-like setting, and a newly planted commercial cherry block along with fine wool and export lamb production.

Our water use is low and our environmental impact also low. We see no reason why a 6 year permit is required simply because ORC have not got their house in order. Penalising farmers because of the ORC incompetence is unfair and unjust.

The amendment we seek in this submission is to have Plan Change 7 refused and the current plan used to progress Water Permits.

The Decision we want the Environment Court to make is to refuse Plan Change 7

The Reason we want this decision is:

- Because Plan Change 7 in its present form is completely unacceptable, and
- The proposed 6 year term is woefully inadequate given the amount of effort required to satisfy the Otago Regional Council's requirements for issuing resource consents in substitution for Deemed Permits. The minimum acceptable term would be 30 years.

Please attach any additional information.

## SUBMISSIONS MUST BE RECEIVED BY 5.00 PM ON Monday 4 May 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](http://www.orc.govt.nz)

### 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.