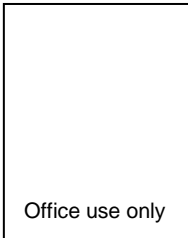




# SUBMISSION FORM – Proposed Water Permits Plan Change (Plan Change 7) to the Regional Plan: Water for Otago



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

Full name of submitter:

Name of organisation (if applicable): Last Chance Irrigation Company Limited (“LCIL”)

Email: phil.page@gallawaycookallan.co.nz

Postal Address (or alternative method of contact): C/- Gallaway Cook Allan, PO Box 143, Dunedin 9054

.....

Telephone: 03 477 7312

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.

P J Page  
Solicitor for Last Chance Irrigation Company Limited.

Date: .29 April 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’)

LICL 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 simple permitted activity rule that enables current permits to be exercised 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...)*

The Last Chance Irrigation Company Limited operates the Last Chance Irrigation Scheme (the 'scheme') which services an area located along the valley to the east of the Old Man Range running from Shingle Creek in the south, to the Clutha River at Alexandra in the north. The applicant holds a number of authorisations to take, use, dam and discharge water for the purpose of operating the scheme. The authorisations for the taking of water were historically issued as mining rights so are deemed permits which expire on 1 October 2021.

Water is sourced for the scheme from several small streams draining the Old Man Range (Shingle Creek, Chasm Creek, Gorge Creek, Hut Creek, Coal Creek, Obelisk Creek, Butchers Creek, Chapmans/Dry Gully, and Conroys Creek). Water is then conveyed through various water races and to several dams (Butchers Dam, Conroys Dam, Pagets Dam and Link Race Dam), although not all sections of the scheme are connected.

The predominant land use supplied by the scheme is pasture with some orcharding (which includes frost fighting, washing and processing), and a small amount of viticulture. Stockwater is also supplied by the scheme and hydro-electric power generation is being explored. The scheme infrastructure is all in good condition and takes are metered at multiple locations (agreed WEX sites) which have been operational for several years.

Significant investment has been made in the last decade to upgrade the Scheme's infrastructure, race networks, and water use efficiency. Further operational efficiencies (in particular conversions from flood to spray irrigation) will enable additional irrigation within the existing allocation.

Achieving greater water use efficiency requires significant and long term capital investment.

The scheme has been extensively studied for freshwater fish and habitat values. LICL's water takes are long established and their continuance will not result in any adverse effect on instream aquatic values. Nevertheless, LICL proposes to engage with DoC on a long term monitoring program to assist DoC to carry out their functions in the scheme catchment.

LICL's main reservoirs are a significant capital asset and an important public amenity (especially Butchers Dam and Conroys Dam). The dams have permits that expire in 2043/2044. Obviously the dams cannot operate unless water permits have an aligned term.

In August 2019 LICL applied to the ORC to replace the existing suite of water permits. That application has the ORC reference number RM19.281. It is hoped that LICL's scheme may be re-consented until at least 2044 before PC7 is made operative. LICL's position is that PC7 ought not to be considered in determining RM19.281 but this submission is lodged in case RM19.281 is not granted on acceptable conditions in time.

LCIC has acted in good faith and has been preparing for the renewal for some years, being mindful of the previously well signalled process and efficiencies that would be required to comply with the existing Aqualinc models.

Subsequently there has been significant investment already sunk in consultancy, planning and infrastructure both by the company and shareholders on farm/orchard.

LCIC was prepared and lodged our application in a timely manner and it is through no fault on our part that the ORC doesn't have the resources to handle the process despite having 30 years to get prepared and has now shifted the goal posts.

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 reasons given for PC7 are completely irrelevant to LICL's scheme.

Great progress has already been made by many permit holders in improving their water use efficiency and environmental performance. PC7 will ensure that progress has halted because no-one will invest on the strength of short term permits.

PC7's schedule 10A.4 is fundamentally flawed and completely misunderstands irrigation. Seasons and crops do not have average years. Demand and supply is highly variable and unpredictable. Calculating actual usage should be just that- actual usage. LICL's members could not survive a dry year if water is calculated in accordance with schedule 10A.4

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 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.

The RMA has a ready made solution to the problem PC7 is trying to address- section 128(1)(b). If some new limits are brought in under the Land and Water Regional Plan (LAWRP), then the ORC can review LICL's permits to impose those new limits. That is a cost to the ORC on behalf of the community that will benefit from those limits. That is where the cost should sit- farmers do not benefit from limits.

A short term extension for existing permits that did not cost permit holders anything might be acceptable, but is not preferred because:

- 1....In many catchments it is not necessary. PC7 should be targeted to those places that actually need it (wherever they are).
- 2....It will discourage investment in efficient infrastructure.
- 3....It will discourage permit holders from working with other stakeholder to achieve environmental benefits.
- 4....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.

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.

## **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
Deliver to	Otago Regional Council offices at: <ul style="list-style-type: none"><li>▪ 70 Stafford Street, Dunedin</li><li>▪ William Fraser Building, Dunorling Street, Alexandra</li><li>▪ Terrace Junction, 1092 Frankton Road, Queenstown</li></ul>
Online at	<a href="http://www.orc.govt.nz/WPPC">www.orc.govt.nz/WPPC</a>

**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.