



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: Lauder Water Users Group

Name of organisation (if applicable): Lauder Water Users Group

Email: [Redacted]

Postal Address (or alternative method of contact): James Heckler Chairperson Lauder Water Users Group

Email: [Redacted]

Telephone: [Redacted]

We wish to be heard in support of our further submission.

If others made a similar submission, we will consider presenting a joint case with them at a hearing.

Trade competitor’s declaration (if applicable)

We could not gain an advantage in trade competition from this submission

We are 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: 4th May 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’)

We oppose Plan Change 7 (PC7) completely. We want PC7 completely removed.

We believe that PC7 will result in further degradation of our environment and community wellbeing in comparison to the existing plan.

PC7 has been drawn up in a very hasty manner, which ignores the values of all stakeholders and the National Policy Statement for Fresh Water (NPSFW). Furthermore, it discriminates against

one group of stakeholders, irrigators, and inflicts needless damage on social and community well-being. There is no positive benefit of PC7.

PC7 fails to achieve the objective 10A.1. The interim planning framework **does not** promote the transition to long-term sustainable management of surface water resources in Otago.

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

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

Otago Regional Council (ORC) should proceed with the current consenting process with at least 30-year consents. Information gathering for resource consent applications, to replace deemed permits, has been underway for many years now. Significant funds, time, and effort have already been devoted to ensure complete and robust applications for long term consents.

The ORC needs to take responsibility for the situation we are currently facing. The delays and inability shown by the ORC has been frustrating for many stakeholders. The consent process needs to be progressed without impeding the applicant with the incapability's of the ORC. Costs of later applying minimum flows to consents should lie with the ORC. Monetary costs and resources squandered due to the ORC's constant inability to implement plan changes should not be imposed on irrigators.

Otago Regional Council has failed stakeholders, failed communities, and failed the natural resource its responsible to manage, due to its own incompetency. It is not fair to project this incompetency onto irrigators which adversely impacts faming businesses and the wellbeing of rural communities.

Give reasons for the decision you want made:

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

Reasons for complete removal of PC7

No increase in irrigated area - Policy 10A.2.1b Rule

This policy detrimental to farming businesses, communities and the environment.

Negative effects of this policy include but are not limited to the following:

Discourages irrigation efficiency and sustainability improvements. Irrigators are locked into the irrigation system they had in place 3 years ago. There is no incentive for the irrigator to improve water use as they are unable to utilise water gains from efficiency implementations.

Discourages irrigation infrastructure investment.

Discourages irrigators to adopt innovated technologies, which improve water use and often indirectly reduce nutrient contamination.

Proposing to limit irrigation area based on a single year of data is hugely unjust. This policy opposes the mission of the ORC *to promote sustainable management of Otago's water resources*.¹

The proposed policy has no provision for climatic variances.

NIWA data² shows summer 2017-2018 (irrigation season 2017-2018) was one of the hottest summers recorded in Central Otago. January 2018 was the single hottest month on record in NZ. Alexandra recorded the highest 2018 temp in NZ on the 30th Jan 2018 at 38.7°C. The prolonged dry conditions prompted Ministry of Primary Industries (MPI) to declare a medium-scale adverse drought event for Otago region on the 30th January 2018.

High evapotranspiration (due to high temperatures) and prolonged dry conditions, over the 2017-2018 irrigation season severely impacted irrigated area. Many irrigators were only allocated 50%, or below, of their regular water allocation for much of the irrigation season.

To use this season, alone, is immensely unfair. One cannot help but question the integrity of the ORC at this point, and how unwarranted this approach is.

No provisions exist in the proposed policy for technical failures. If equipment failed in the proposed year (due to weather, equipment malfunction, wildlife, etc), the irrigator is severely

¹ Constantly quoted throughout ORC website, numerous documents and presentations.

² NIWA Annual Climate Summary 2018 – Issued 8th January 2019

penalised, through no fault of their own. If that irrigator does not have telemetry due to lack of cell phone reception, the technical failure will not be highlighted until the end of the irrigation season when data is collected. Therefore, not allowing for any remedy of the failure when it actually occurs. There are constantly ongoing improvements in collection of real time flow data. Improvements implemented in recent and coming years would contribute to even more accuracy of data, which the proposed policy would not capture.

Efficiency of allocated water should be promoted rather than focusing on irrigated area, this will have benefits for our farming businesses, environment, and communities.

Many farmers recognise the need to grow produce efficiently, while recognising the environmental impact, which this policy shows blatant disregard for.

Average maximum rate of take - Rule 10A.3.1.1.b.IV

Using average maximum rate of take does not allow for technical or climatic variances. Many advances have been made in the measuring of rate of flow in recent years. Calibration of rate of flow measuring devices has been brought to attention in the last 3-5 years. Previously, many devices many have not been calibrated regularly to guarantee robust data. ORC technical staff have already dismissed earlier data, as it is not robust. Video can be provided from an ORC meeting in 2018 discussing ORC Plan change work and data inaccuracies. Once again, this rule overlooks the accuracy improvement in recording flow data from the most recent years. This rule creates huge frustration and stress for irrigators. It has complete disregard for the latest science and innovation many irrigators have employed to improve flow accuracy data.

Under the proposed rule Lauder Water Users Group (LWUG) will be disadvantaged by 2,914,767 cubic meters³. This equates to a 21% reduction of water abstracted. This will have detrimental impact on farming businesses in this group. Using Aqualinc data (irrigation requirement of 668mm)⁴ this rule would cause a reduction of 436 ha of irrigated area in our small catchment, without any proven benefits. Reducing this irrigated area from our catchment will reduce the income from farming businesses, which means costs will need to be reduced which in turn reduces spending in our local community.

³ Available years flow data Lauder catchment

⁴ Aqualinc Irrigation Guidelines 2015

Extreme climatic events that are happening more frequently are also causing disturbances in the data. Provisions are being put in place to combat these disturbances, but more time is needed to develop a trend that can be used to validate data. The continuous measuring of robust data will aid in more accurate decisions being made which will benefit stakeholders, communities and the environment.

Six-year consent duration - Policy 10A.2.2

A six-year consent creates uncertainty, impedes development and community wellbeing.

Over the last 30 years irrigators have frequently been disappointed by the lack of progress shown by the ORC leadership team. The ORC have neglected to provide adequate solutions for deemed permits. Therefore, we fail to see how the ORC is going to rewrite a Land and Water Plan in the 2-3 year timeframe, that will allow it be operative by 2025. We will be in this exact position in six years' time, replacing short term permits for short term permits.

Deemed Permit holders have already invested heavily in gathering data and formulating our resource consent application which is almost completed. Money spent to date totals thousands, if not millions, and time has been volunteered which will never be truly accounted for. In the final hour, the ORC proposes to make all this completed work and money spent completely redundant.

In six years' time due to no fault of our own we will have to invest again to repeat the work we have already done. According to the Skelton report⁵ there will be 450 consents that will need to be renewed, in six years, if the ORC adopts PC7. Currently, on average, consent renewal costs will be around \$13,000 and \$16,000⁶. These costs address planning, ecology and hydrology studies, assessment of effects and application fees, to meet all the requirements for the application.

In six year's time, based on current costs, an additional \$5,850,000 - \$7,200,000 will needlessly have be spent by the applicants, to achieve the proposed PC7 requirements. In addition to this

⁵ Investigation of Freshwater Management and Allocation Functions at Otago Regional Council; Report to the Minister for the Environment. Professor Peter Skelton CNZM; D.Nat.Res (Hon); LLB; FEIANZ - 1 October 2019

⁶ Based on expenses of formulation for current consent renewal and ORC Fees and Charges from 1 July 2018 <https://www.orc.govt.nz/consents/ready-to-apply-for-a-consent/fees-and-charges>

cost, will be the increased ORC cost due the increase in resource requirements needed to complete the consent processing. The result is unnecessary spending of tens of millions of dollars.

Furthermore, this money could be spent on irrigation sustainability and efficiency mitigations which have actual positive impacts on our environment.

Investment in irrigation infrastructure will not occur under PC7, due to uncertainty a six year consent creates. PC7 stalls investment in our industry, directly halting investment in farming business, and local businesses which support the industry.

Lack of consultation

Consultation on plan change 7 is been extremely inadequate.

The December 2019 surveys, like many other recent ORC surveys, have been written so the ORC gets the response it desires rather than the actual response. There are inadequate provisions to record any answer that does not fit in to a question constructed by the ORC. Due to failure to disclose that the survey was a consultation, there was lack of uptake from the directly affect parties. This survey could not possibly address the real issues.

On the 7th January 2020 at the public forum there was minimal time for spokes people to talk as they were cut off by the chairperson.

The focus group held in Lawrence on the 16th January 2020, was not advertised. In turn two water users attend. This is not fair or representative. Subsequently, it has been revealed that the event was invite only, as attendance requests were denied. That can hardly be called fair and representative public consultation.

With the majority of the deemed permits listed by the Skelton report located in Taieri, Manuherekia, Cardrona, Lindis, Lowburn, Arrow, and Luggate, one would of thought it would have been prudent to hold focus group located in these areas so the real issues could have been communicated.

The section 32 report fails to identify the real environmental, economic, social, and cultural impacts of PC7. Therefore, it is inadequate.

The constant irrigator exclusion is shedding a very dim light on the integrity of the ORC leadership. If the ORC can't engage with the people directly affected by what is being

proposed, then the opportunities to develop solutions are ignored and our community will not be able to move forward.

Irrigators want to productively engage with ORC and other stakeholders to formulate solutions that enhance our environment, encourage sustainability, fosters community wellbeing.

Lauder Water Users Group (LWUG)

Lauder Water Users Group consists of 20 irrigators, which all receive water from Lauder Creek or its tributaries. As a group we are working together to sustainably manage the Lauder Creek catchment. This submission represents the LWUG.

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
Deliver to	Otago Regional Council offices at: <ul style="list-style-type: none">▪ 70 Stafford Street, Dunedin▪ William Fraser Building, Dunorling Street, Alexandra▪ Terrace Junction, 1092 Frankton Road, Queenstown
Online at	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.