

**Submission on Proposed Water Permits Plan Change (Plan Change 7)
to the Regional Plan: Water for Otago**
(Form 5, Clause 6 of the First Schedule, Resource Management Act 1991)

Form 5

Submission on publicly notified proposal for policy statement or plan
Clause 6 of First Schedule, Resource Management Act 1991

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

Name of submitter: **Loganbrae Ltd**

Contact person: Peter Aitken, Director and farmer

Address for service: [REDACTED]

Postal address: [REDACTED]

Ph: [REDACTED]
(Note the Styx has limited mobile coverage)

This is a submission on the following proposed plan change:
Proposed Water Permits Plan Change (Plan Change 7) to the Regional Plan: Water for Otago.

We could not gain an advantage in trade competition through this submission.
I am 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.

The specific provisions of the proposal that our submission relates to and the decisions we seek from Council are as detailed on the following pages.

We wish to be heard in support of our 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)

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)*

1. We oppose all of the Proposed Water Permits Plan Change Plan Change 7 (PC7).
2. We seek the following relief:
 - a. PC7 be declined in its entirety.
 - b. If PC7 is retained, then we seek that the Taieri catchment be specifically excluded from the ambit of PC7 and PC7 be amended to provide a truly simple roll-over of permits (through a permitted activity rule and no non-complying activity).
3. The reasons for our submissions are outlined below.
4. PC7 does not meet the necessary statutory tests:
 - i. PC7 fails to provide a coherent and complete framework for managing the taking, damming, discharging, diverting and re-taking of water in Otago.
 - ii. The objectives and provisions of PC7 are not an appropriate way, or the most appropriate way to give effect to, or achieve Part 2 of the RMA. PC7 will not result in sustainable management, as it does not safe-guard life-supporting capacity, allow for mitigation of effects and does not provide for economic and social wellbeing.
 - iii. PC7 fails to give effect to National Policy Statement Freshwater Management (NPSFM).
 - iv. PC7 fails to give effect to the various versions of the Regional Policy Statement (RPS).
 - v. PC7 is based on a flawed assessment of freshwater management in Otago and the Taieri catchment and the outcomes achieved or able to be achieved under existing planning provisions including the Otago Regional Plan: Water for Otago (Water Plan) and the NPSFM.
 - vi. The Section 32 Evaluation of PC7 is faulty and was not carried out in compliance with Section 32 of the Resource Management Act. The evaluation understates and underestimates the adverse economic and social costs of PC7, and also underestimates the direct environmental effects of PC7.

Loganbrae

5. We are beef and deer farmers in the Styx, an elevated terrace of the Upper Taieri Catchment. We hold water permit 2003.167 which provides the right to abstract up to 97L/sec out of the Logan Burn, a tributary of the Taieri River. Appendix 1.

6. Our permit expires in 2023 so is captured in PC7. Our permit already has a minimum flow consent condition, 850 at Paerau Weir on the Taieri River.
7. By including the Styx catchment(all those takes above Paerau Weir) in PC7, ORC has clearly demonstrated they have no idea how the Styx catchment or takes from the Logan Burn in particular, work.
8. The takes from the Logan Burn are augmented by the Maniototo Irrigation Company (MIC) storage in the headwaters of the Logan Burn called the Loganburn dam.
9. The Loganburn dam discharges into the Logan Burn and uses the Logan Burn and the Taieri River as a transport mechanism until the water is abstracted at the Paerau Weir.
10. MIC have an agreement to supply the Logan Burn irrigators with augmented water when required.
11. It is also a consent condition for MIC to uphold the Paerau minimum flow of 850L/sec as a residual flow condition on their abstraction permit. Those permits have until 2034 before they expire.
12. We completely oppose PC7. Including our permits and those of the other Logan Burn and Styx water is irrational and unfair. Given:
 - a. the catchment already has minimum flows,
 - b. the bulk of the water in the catchment has been replaced for long term permits,
 - c. we have started the expensive process of drafting our permit application under the current plan regime as recommended by the ORC,
 - d. we have formed a water user group as recommended by ORC,
 - e. our permit is augmented by stored water so any environmental effects of the abstraction can be mitigated
 - f. restricting our water allocation on old data from randomly selected years will take away water that has actually been abstracted

PC7 impacts on our business and environment

13. With the last permits in the Taieri now ready for replacement the ORC has changed the rules.
14. We see no logical reason why the Taieri is even included in PC7. In a few short years the catchment would have all been functioning under the minimum flow regime, water management groups, residual flows and efficiency assessments.
15. If the ORC needs to do a plan change to update their regulations in line with the National Policy Statement Freshwater than it is only fair all permits should be reviewed by the ORC.

Not that a few permits should be given short terms while the rest are continuing with long terms.

16. The permits that have been recently reissued in the Taieri have undergone full and comprehensive assessments. The consent conditions on those permits include environmental gains, adaptive management conditions, efficiency assessments and residual flows in return for long term consents as determined by commissioners and an Environment Court judge.
17. The Upper Taieri Water users need to the ORC to finish the job that was started in the catchment with the setting of the minimum flows and support for Water Management Groups in Plan Change 1C. ORC have removed the positive outcomes that were just around the corner for the Upper Taieri by putting on hold the current water plan for another 8+ years.
18. If the ORC needs to standardise their water use assessment methods, we advise they use the assistance of an irrigation expert.
19. PC7 is a poor piece of planning work that has caused untold stress and expense on the farming sector. The Taieri Catchment does not need to be in this Plan Change.

Appendix 1 Copy of Water Permit 2003.167

Our Reference: A73436

Consent No. 2003.167

WATER PERMIT

Pursuant to Section 105 of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Loganbrae Limited

Address: Polson Higgs & Co, 139 Moray Place, Dunedin

To take and use water from the Logan Burn

for the purpose of irrigation

for a term expiring 1 September 2023

Location of activity: Logan Burn, 500 metres upstream of the Upper Taieri Paerau Road Bridge.

Legal description of land adjacent to point of abstraction: Sec 2 Blk IV Serpentine SD

Map reference: NZMS 260 H43:671-234

Conditions:

1. During the period September 1 to May 31 inclusive, the take authorised by this permit shall not exceed:
 - (a) 97 litres per second;
 - (b) 8380.8 cubic metres per day;
 - (c) 205,000 cubic metres per month.
2. No abstraction, other than for stock drinking water, shall occur when flows in the Taieri River are less than 850 litres per second at the Paerau Weir at Grid Reference NZMS 260 H43:715-291.
3. The consent holder shall ensure that:
 - (a) the irrigation does not exceed soil field capacity,
 - (b) the irrigation does not cause surface runoff,
 - (c) water leakage does not occur from pipes, structures and races,
 - (d) irrigation does not occur onto non-productive land,
 - (e) irrigation induced soil erosion and pugging does not occur,
 - (f) soil quality is not degraded as a consequence of irrigation and,
 - (g) loss of water, nutrients, and agrichemicals by percolation to groundwater is minimised.

4. The consent holder shall install a water meter to record the take from the Logan Burn with an accuracy of +/- 5%. The consent holder shall keep a record of the extent to which this consent is exercised by recording the daily volume of water (cubic metres) and rate at which water is taken and shall forward a copy of that record to the Consent Authority on request.
5. The intake point shall be screened so as to prevent the ingress of small fish and eelers.
6. This permit shall be exercised under the control of any Water Allocation Committee established by the Consent Authority that operates in the Taieri River catchment.
7. The Consent Authority may, in accordance with sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent within 3 months of each fifth anniversary of the commencement of this consent for the purpose of:
 - (a) adjusting the amount or rate of abstraction of water under condition 1, should monitoring under condition 4 indicate that the allocation is excessive for the ongoing use;
 - (b) determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage;
 - (c) ensuring the conditions of this consent are consistent with any National Environmental Standards.

Notes

1. *Notice of Exemption WEX0170 applies to this water permit*

Issued at Dunedin this 14th day of August 2003

Reissued at Dunedin on the 21st day of August 2014 to add Note 1

Christopher P Shaw
Manager Consents