



# 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: Christopher McNally & Vanessa Jane May

Name of organisation (if applicable):

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Telephone: 03 445 9905

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: ..... Christina Bright ..... Date: 04 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')*

Christopher McNally & Vanessa Jane May 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...)*

1. Christopher Matthew McNally and Vanessa Jane May hold a 1/8<sup>th</sup> share of Water Permit 2002.187. Grant Coutts and Russell Coutts, as Directors of the Trustee Company of the Barley Station (Glencoe) Trust hold the remaining 7/8<sup>th</sup> share. The authorisation for the taking of water was historically issued as a mining right so is a deemed permit, and Permit 2002.187 was issued as a water permit with 1 October 2021 expiry in August 2002.
2. Christopher Matthew McNally and Vanessa Jane May own 16.8 ha adjacent to the Manuherikia River that has been grassed as a lease block to Barley Station (Glencoe) Trust for several years. Water is sourced from the Manuherikia River as the permit authorises abstraction from the main stem of the Manuherikia. Water is conveyed through various pipes directly to pivot irrigators on the Barley Station (Glencoe) Trust property or to spray irrigation on the McNally property. The predominant land use is pasture. The infrastructure is all in good condition and the take is metered and has been operational for several years. Barley Station (Glencoe) Trust have leased Chris McNally's property and utilised the 1/8<sup>th</sup> share of the water from Permit 2002.187 as per the lease agreement.
3. Barley Station (Glencoe) Trust have made significant investment in the last decade while leasing the land and using Chris McNally's 1/8<sup>th</sup> water share to upgrade the water take infrastructure, pipe networks, and water use efficiency with conversion from less efficient irrigation methods to pivots.
4. Chris McNally has also installed a 20-ha k-line spray system to comply with the permit and improve water efficiency on the property.
5. Achieving this greater water use efficiency requires significant and long-term capital investment.
6. The Manuherikia has been extensively studied for freshwater fish and habitat values. The water take is long established and the continuance will not result in any adverse effect on instream aquatic values as the water users fully intend to work with the catchment and adhere to minimum flows to be established through the setting process.
7. Chris McNally has acted in good faith with Barley Station (Glencoe) Trust and both parties have been preparing for their 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 and undertaking reviews of the existing science work to understand the effects of their activities on the instream ecology and hydrology of the Manuherikia River.

8. Subsequently significant investment has already been made in consultancy, planning and infrastructure by Chris McNally.
9. Chris McNally and Barley Station (Glencoe) Trust are preparing a joint application, and have been preparing their application in a timely manner well in advance of the consent expiry, and it is through no fault on their part that the goal posts have now shifted.
10. 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.
11. 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.
12. Schedule 10A.4 is fundamentally flawed and completely misunderstands irrigation. Seasons and crops do not have average years. Demand and supply are 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 meters on water takes early on due to there not being a sufficient number of qualified providers able to get them functioning in many permit holders difficult locations, and it was only a requirement from November 2012 for takes larger than 20 l/s. The complexities associated with the locations and instream environments that the meters are located in also means that records in the first few years after installation have not always been accurate and subject to teething problems (e.g. meters getting blocked with high levels of sediment due to the nature of these catchments). Flooding in the Manuherikia River has at times also caused damage or debris to build up around the intake that requires maintenance.
13. The method proposed provides no flexibility or consideration of the individual situations and unfairly impacts on permit holders who have experienced metering issues or have incomplete abstraction records between 2012-2017 for reasons such as development to improve water use efficiency.

An assessment of the abstraction records in line with the proposed methods in schedule 10A.4 for calculating allocation has revealed that the permit would be substantially reduced. In comparison to the completed Aqualinc water efficiency for irrigation, and calculations for efficient stock water use, under the PC7 allocation scenario there is an approximate 50-70% deficit or more in the calculated water needs at monthly and annual timestep respectively for the Barley Station (Glencoe) Trust and McNally joint water requirements. Actual abstraction determined following RWP policy reveals only a 25% deficit. Therefore, the allocation as determined under a PC7 scenario places severe pressure on the operation and existing investment made towards improved efficiencies on the two properties. Particularly with regards to the property being run as a lease block and reliant upon the water share to provide stock and irrigation water to potential future leases.

14. We are concerned that the cost of the proposed resource consent processes could put many permit holders out of business. It can take 6 years to obtain good data and information to prepare applications. Furthermore, many struggle to fund long term consent applications, let alone having to go through it twice (once now and again in 6 years). Furthermore, having to spend additional time and cost to participate in PC7 to ensure our voices are heard adds additional time and cost.

15. The strict requirements of the proposed controlled activity rule means that Chris McNally along with most other 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.
16. 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.
17. 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; and
  - f. research and understand hydrological flow patterns, alongside any fish values, to provide an assessment of whether fish passage is required.
18. 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.
19. 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 stakeholder 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.
20. 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 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/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.