

**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: **Molyneux Farm Ltd**

Contact person: Charles Kain

Address for service: [REDACTED]

Postal address:

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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 Clutha 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 Clutha 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.
5. We hold permits to take water directly from the Clutha upstream of Lake Dunstan.
6. Our irrigation set-up is modern and efficient. Our water is all pumped piped and applied using spray irrigation techniques.

7. This water source is not fully allocated.
8. We object to the ORC including the Clutha catchment in PC7. There has been no assessment of the Clutha water situation in the development of the Plan Change or the Section 32 Report.
9. The Schedule included in PC7 reduces permit allocation by removing some water that has actually been abstracted. That is unnecessary and detrimental to our current irrigation set-up.
10. The restrictions on area irrigated to 2017-18 and data from 2012 to 2017 may have the result of leaving areas that are now irrigated stranded dry. Our irrigation equipment is expensive and installed for the long term. Decision on the water reissued need to be more in line with industry best practice and related to the most recent data available.
11. Six year or even fifteen year permits are not workable in our farming business set-up. Setting up, maintaining and upgrading irrigation systems is very expensive. Our investment partners need to see a much longer security of water access. We accept that environmental expectations are conditional on long term permits.
12. The commencement of the Clutha minimum flow process was announced by the ORC back in November 2017. Suggesting the ORC could complete that task and do a complete plan review within 2-3 years seems to be unrealistic.
13. We ask that the Clutha catchment be removed from PC7. The ORC can use their review clauses to apply any future plan change decisions.