



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: Mount Earnslaw Station [Geoffrey and Diana Thomson]

Name of organisation (if applicable):

Email: christina@landpro.co.nz; mount.earnslaw@gmail.com

Postal Address (or alternative method of contact): Landpro, c/- Christina Bright, PO Box 302, Cromwell, 9342

Telephone: 03 445 9905

We wish / ~~do not wish~~ (circle preference) to be heard in support of my further submission.

If others made a similar submission, we **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)

We ~~could~~ / could not (circle one) gain an advantage in trade competition from this submission

We are / ~~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')

Geoffrey and Diana Thomson of Mount Earnslaw Station oppose 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. Geoffrey Lewis Thomson currently holds Deemed Permit 4164.V1 to take and discharge water from Earnslaw Burn for the purpose of hydropower generation, located in the Glenorchy-Paradise area. This water services the small hydropower scheme built and constructed in the 1950s to power the sounding farms. The race delivering water to the hydropower station also provides stock drinking water, and domestic water for one dwelling. The authorisation for the taking of water was historically issued as a mining right so is a deemed permit which expires on 1 October 2021. The applicant also holds Deemed Permit 4164B that authorised the discharge from the hydropower station up until 1993 when the take permit was authorised for the take and discharge.
2. In February 2020, the Mt Earnslaw Trust c/- Geoffrey Thomson applied to the ORC to replace the existing water permit. That application has the ORC reference number RM20.054.01 and RM20.054.02.
3. Water is sourced from the Earnslaw Burn, an alpine glacial fed river feeding Diamond Lake. The abstraction point is low in the catchment due to the steep alpine topography and is the only permit. Water is then conveyed through a well-maintained race to the applicant's reservoir where the hydropower station is located.
4. A diversion on the Earnslaw Burn that is well maintained diverts water via a diversion channel to the point of take where flows by-wash to the Earnslaw Burn or are directed through the race. The structure is maintained to ensure that no more water is taken than what is allowed by way of consent and is controlled by a wooden control gate that has operated in this manner successfully since construction in the 1950s. The race delivers water to a reservoir that provides just enough water holding ability to allow water to be directed through a pipe to the powerhouse and generator. All stock and domestic water is taken prior to water reaching the reservoir.
5. The power plant has been operational since 1958 and was registered in 1962. The powerhouse holds a 20kW generator but provides approximately 10-11kW of power when generating. Power generation historically provided electricity for the farms within the area and has since continued running for personal use on Mount Earnslaw Station. The powerplant is currently independent of the main grid. Geoffrey Thomson has discussed with an electrician who supported the original development of the powerplant regarding sending surplus power to the local grid of which is possible, and this is being investigated as an option. This is a significant positive of the scheme and

of the investment made into the powerhouse in this remote area of Otago that frequently has disruption to the main grid due to severe winters and remoteness.

6. No irrigation is provided by this permit. The primary use is therefore hydropower, stock water and domestic needs. The scheme infrastructure is all in good condition, including the diversion that is well looked after by the applicant.
7. The take has historically not been metered. Due to the alpine nature of the catchment, and the substantial volume of woody debris and silt that flows through due to glacial outwash and land slipping, the diversion and point of take requires frequent maintenance. Therefore, metering has high risk associated to these frequent periods of disruption from debris and flooding. The complexities associated with the location and instream environment would mean that any record would not always be accurate and subject to persistent problems such as getting blocked with high levels of sediment and silt that runs through glacial catchment.
8. The surrounding area has been studied for freshwater fish and habitat values as part of the wider Diamond Lake Reserve. The water take is long established, and the continuance will not result in any adverse effect on instream aquatic values. Being an alpine catchment, the abstraction is a minor proportion of mean annual low flows. Nevertheless, Geoffrey Thomson has engaged with Fish and Game, DoC, and an ecologist to provide the information requested on ecological values through the formal s92 information request.

Geoffrey and Diana Thomson of Mount Earnslaw Station are seeking the above decision on PC7 for the following reasons:

9. Geoffrey and Diana Thomson have acted in good faith and have prepared their application for renewal well in advance of the expiry of the permit, being mindful of the previously well signalled process and efficiencies that would be required. As part of their application it is proposed to include metering of the water race. A comprehensive application has been made to Council that demonstrates that the effects of their activities on the instream ecology and hydrology of the Earnslaw Burn will be less than minor.
10. Subsequently, significant investment has already been made in consultancy, planning and infrastructure by Geoffrey and Diana on Mount Earnslaw Station.
11. As the proposed activity for replacement consents is to divert and to take for hydropower generation, a consent term of 35 years has been sought, as there is no technical consumption of the water, and all taken for hydropower (less that permitted for stock and domestic needs) is discharged to a tributary of the same wider catchment. The water is discharged to Lake Reid that is part of the Diamond Creek and Diamond Lake reserve area and provides substantial improvement in the hydrology and ecology of this wetland associated to Lake Reid.
12. The Mt Earnslaw Trust (the applicant) has prepared and lodged the application in a timely manner and it is through no fault on our part that the goal posts have now shifted.
13. 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. The Earnslaw Burn is not over allocated based on paper allocation or any method outlined in the RWP.
14. Furthermore, in this case the taking of water is used for hydropower generation and NOT irrigation. Therefore, it should be considered separately to those permits where irrigation is the primary use, and a simpler process should be in place for this activity. The current s32 report and PC7 lacks a high-country perspective, whereby the activity

is NOT for irrigation and rather abstraction is from an alpine catchment that has less than minor effects on the environment.

15. 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, for any water use including hydropower, as short duration permits will not enable investment in the required infrastructure or efficiency upgrades.
16. Although irrigation water is not taken from the Earnslaw Burn we see clear issue with the proposed allocation methods that we feel are important to include here. Namely that schedule 10A.4 does not understand irrigation practice completely. Namely, seasons and crops do not have average years, rather demand and supply are highly variable. Calculating actual usage should be just that – actual usage. The method proposed provides no flexibility or consideration of the individual situations and unfairly impacts on permit holders that are irrigators and who have experienced metering issues or have incomplete abstraction records between 2012-2017 for reasons such as development to improve water use efficiency.
17. 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. Furthermore, having to spend additional time and cost to participate in PC7 to ensure our voices are heard adds additional time and cost.
18. In addition, the strict requirements of the proposed controlled activity rule mean that the Mt Earnslaw Trust (the applicant) will end up having to follow the non-complying activity pathway simply as a result of water metering records being absent and or incomplete, 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.
19. Furthermore, for those already engaged with affected parties seeking their approval as a process under the RWP is further complicated by strict conditions in order to obtain affected party approval. This, alongside the pitfalls of PC7 means that some applications are at a standstill. This completely avoids opportunity for non-complex planning solutions as was expected from PC7.
20. 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.
21. Furthermore, although PC7 is worded to be relevant to all Deemed Permits, PC7 does not entirely address the unique situation in this case where the water is used for hydropower generation and NOT irrigation. It is not clear how PC7 is applied to a hydropower scheme, other than it being the renewal of a deemed permit. There is clearly a misunderstanding here by the ORC on the range of authorisations provided for by deemed permits.
22. 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, or complete works to demonstrate water use;
 - b. interrogate any 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 any 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.
23. 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.
24. 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 stakeholders 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.
25. 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

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

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.