

FORM 5

SUBMISSION ON NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN, CHANGE OR VARIATION

Otago Regional Council Proposed Plan Change 7 (Water Permits)

To: Otago Regional Council (ORC)
Private Bag 1954
Dunedin 9054

Submission of: Orchard Road Holdings Limited (ORHL)
PO Box 170
Dunedin 9054



1. This is a submission on the ORC Proposed Plan Change 7: Water Permits
2. ORHL could not gain an advantage in trade competition through this submission.
3. The specific provision of the proposal that ORHL's submission relates to are the entire Plan Change.
4. Submission:

Background

ORHL is the holder of deemed permit 97199.V1 to take 1,800,000 litres per hour from the Cardrona River Catchment for the purposes of irrigation.

Submissions

ORHL is concerned about the inefficiency and adverse and consequential effects the proposed plan change will have ORHL and the on-going water management practices for its property.

ORHL considers the Plan Change should provide a longer-term solution and more efficient solution for permit holders with consents due to expire prior to 2025.

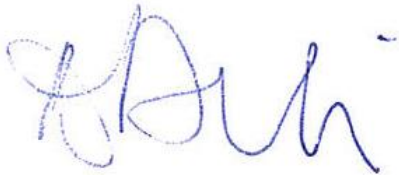
Provision	Support/Oppose	Relief Sought
Objective 10A.1.1	ORHL opposes the objective to make the granting of consents and interim solution. ORHL considers this to be an inefficient use of resources in terms of cost and time to consent holders and the ORC. ORHL also considers the granting of interim consents does not provide consent holders with the ability to confidently plan for future water management.	ORHL seeks that replacement water permits are not an interim measure and that longer duration permits are provided for.

<p>Policy 10A.2.1 – 3 Rules 10A.3.1</p>	<p>Oppose ORHL opposes the policy and rules to limit water permits to a duration of no more than 6 years. This limited duration does not provide a secure enough basis for establishing water management practices and will result in additional time and cost in future consenting beyond the 6 year duration.</p> <p>ORHL also opposes the condition on controlled activity status that the total land area does not exceed that irrigated in 2017-2018. This does not provide for properties where the landholding has been extended since 2018 or where land was under development or not subject to irrigation in that period.</p>	<p>ORHL seeks that the 6 year limit is removed.</p> <p>ORHL seeks that the condition relating to total land area irrigated is deleted.</p>
<p>10A.3.2</p>	<p>Oppose ORHL opposes the non-complying status of applications that do not meet the conditions of rule 10A.3.1.</p> <p>The objective and policies of Plan Change 7 are worded such that any non-complying application under this chapter would fail at the ‘gateway test’ of Section 104D of the Resource Management Act which requires that the activity will not be contrary to the objectives and policies of operative and proposed plans.</p> <p>The application will then require to pass the test of whether the adverse effects of the activity will be minor before a determination can be made by the authority.</p> <p>ORHL considers this approach is too harsh and creates too much uncertainty for the applicant.</p>	<p>ORHL seeks that applications that do not comply with the conditions of 10A.3.1 are a Restricted Discretionary Activity with discretion restricted to the condition/conditions that are not complied with.</p>
<p>10A.4</p>	<p>Oppose The methodology for calculating assessed actual usage for surface-water takes for irrigation purposes is complex and flawed and does not provide for circumstances that may have affected maximum flows in a year. There should be flexibility in the methodology to determine the rate</p>	<p>ORHL seeks that the methodology in 10A.4 is deleted and a more flexible approach is taken to determining rate of take for permits.</p>

	of take and daily, monthly and annual volumes built into the methodology. This should include consideration of past technical issues and past and proposed changes to irrigation practices.	
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5. ORHL wishes to be heard in support of this submission. If others are making a similar submission ORHL will consider presenting a joint case with them at a hearing.

Submitted on behalf of Orchard Road Holdings Limited

A handwritten signature in blue ink, appearing to be 'R. Ash' or similar, written in a cursive style.

1st May 2020