



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:

Name of organisation (if applicable): Queensbury Ridges Limited

Email: will@landpro.co.nz

Postal Address (or alternative method of contact): C/- Landpro Limited, PO Box 302, Cromwell 9342

Telephone: 0274598090

.....
.....

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: pp.  Date: 4/5/2020

(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’)

Queensbury Ridges Limited (QRL) 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...)

QRL own and manage over 2500 hectares at Queensberry, with land use including high-country farming on the flanks of the Pisa Range, sheep, beef and dairy farming on the terraces above the Clutha River/Mata-Au, vineyards, orchards, and other productive rural enterprises. Given the extensive area managed by QRL, water is abstracted from a range of both groundwater and surface water sources, with this water enabling QRL to turn dry, unproductive land into highly productive pastures, vineyards and orchard.

QRL holds several deemed permits and water permits that are due to expire on 1 October 2021. An application to replace these permits was lodged in October 2019, with RM19.312 subsequently assigned to the application. A 25-year term is sought for all replacement permits.

Together, these permits enable the abstraction of water from two tributaries of the Clutha River – Schoolhouse Creek and the Albert Burn, and abstraction directly from the Clutha River itself. Irrigation via these abstractions is a synergistic system whereby gravity-fed water from the Clutha tributaries is used when flows are plentiful, then during summer low-flows Clutha water is mostly used. This system reduces reliance and impact on any one watercourse and provides QRL the water security we need to operate efficiently and profitably.

Significant investment has been made by QRL to install, maintain or improve the water take, conveyance, storage and irrigation infrastructure. Over the years, QRL has dramatically improved water use efficiency by replacing aged water races to piped systems, installed meters per regulatory requirements, constructed reservoirs for water storage, and replaced flood irrigation with spray irrigation. Further investment is planned, including replacement of a passive intake and water race on Schoolhouse Creek with a highly efficient intake and piped system. Ongoing expenditure will also be required to ensure all of the water infrastructure is in good working order and water is used as efficiently as possible.

Abstraction from both the Albert Burn and Clutha River has been metered since 2012, however there have been several gaps in the record due to infrastructure upgrades, during which we were not able to take water or were overhauling the telemetry systems. Schoolhouse Creek has never been metered, however there are plans to install a fit-for-purpose meter at the same time as the race and intake upgrades occur.

QRL is seeking the above decision on PC7 for the following reasons:

1. QRL has acted in good faith and has been preparing for their replacements 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 science work to understand the effects of their activities on the instream ecology and hydrology of Schoolhouse Creek, the Albert Burn, and the Clutha River.
2. Subsequently, significant investment has already been made in consultancy, planning and infrastructure by the QRL on the farms, orchards and vineyards within the boundaries of their property.
3. QRL has prepared and lodged their application in a timely manner and it is through no fault on their part that the goal posts have now shifted due to resourcing limitations at ORC that have led to an inability to handle the process, despite having known about this looming expiry date for Deemed Permits for the last 30 years.
4. 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.
5. 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.

6. Schedule10A.4 is fundamentally flawed and completely misunderstands irrigation. Seasons and crops do not have average years. Demand and supply is 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. 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, or issues with telemetry due to the remote location).
7. The method proposed provides no flexibility or consideration of the individual situations and unfairly impacts on permit holders who have incomplete abstraction records between 2012-2017 for reasons such as development to improve water use efficiency (i.e. temporarily putting irrigation on hold while upgrading from flood irrigation to spray) or difficulty in establishing a meter. As such, if QRL's application were to be assessed under PC7, there would be a significant reduction in instantaneous, monthly and annual allocation – which would be very damaging to the business as a whole due to severe water restrictions. There is also no consideration at all for those takes that have not been metered, even if the reasons for a lack of metering are legitimate ones.
8. 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 just to gather the data and do the research to lodge an application! None of this is irrigators' fault, and so it is unfair to put irrigators to the cost of applying under PC7.
9. In addition, the strict requirements of the proposed controlled activity rule mean that many other permit holders who have yet to lodge their replacement application may 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.
10. 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. There is also no way that an application could meet the controlled activity rule where irrigation area increases have already occurred after the 2017-2018 season, meaning irrigators will be penalised for allowing organic on-farm growth to occur.
11. 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,
 - f. research and understand hydrological flow patterns, alongside any fish values, to provide an assessment of whether fish passage is required.

12. 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.
13. 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.
 - 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.
14. 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.

SUBMISSIONS MUST BE RECEIVED BY 5.00 PM ON Friday 17 April 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.