

**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: **SEE Enterprises Ltd**

Contact person: Erin and Simon Elworthy, Directors and farmers

Address for service: [REDACTED]

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Ph: [REDACTED]
(Note the Styx has limited mobile coverage)

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 Taieri 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 Taieri 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.

Loganburn and Lynbrook

5. We are a family run business based in the Styx catchment of the Upper Taieri. The Styx is an elevated terrace that is upstream of the Maniototo which is aptly named. We can be isolated completely during adverse winter events and floods.

6. We have water permits from three sources in the Upper Taieri Catchment. Two of those permit applications have already been lodged due to expiry dates.
7. Our consultants have just completed a large Section 92 response. The size of the extra information surprised us given the application was so large in the first instance.
8. The Section 92 response asked all sorts of information related to life supporting capacity as required in the National Policy Statement for Freshwater. If the ORC staff are able to cover off the NPSFM in the application assessment then there is no reason why the permits should be issued for a short term while the ORC get's their own plan in order.
9. The ORC should re issue the permits for long terms in line with the rest of Otago and then use the review clause to alter the permits if required.
10. It is completely the ORC's incompetence that has meant the plan is not compliant with the NPSFM.
11. By including the Styx catchment(all those takes above Paerau Weir) in PC7, ORC has clearly demonstrated they have no idea how the Styx catchment or takes from the Logan Burn in particular, work.
12. The takes from the Logan Burn are augmented by the Maniototo Irrigation Company (MIC) storage in the headwaters of the Logan Burn called the Loganburn dam.
13. The Loganburn dam discharges into the Logan Burn and uses the Logan Burn and the Taieri River as a transport mechanism until the water is abstracted at the Paerau Weir.
14. MIC have an agreement to supply the Logan Burn irrigators with augmented water when required.
15. It is also a consent condition for MIC to uphold the Paerau minimum flow of 850L/sec as a residual flow condition on their abstraction permit. Those permits have until 2034 before they expire.
16. We completely oppose PC7. Including our permits and those of the other Logan Burn and Styx water is irrational and unfair. Given:
 - a. the catchment already has minimum flows,
 - b. the bulk of the water in the catchment has been replaced for long term permits,
 - c. we have started the expensive process of drafting, lodging and processing our permit applications under the current plan regime as recommended by the ORC,
 - d. we have formed a water user group as recommended by ORC,
 - e. our permit is Logan Burn augmented by stored water so any environmental effects of the abstraction can be mitigated
 - f. restricting our water allocation on old data from randomly selected years will take away water that has actually been abstracted

PC7 impacts on our business and environment

17. With the last permits in the Taieri now ready for replacement the ORC has changed the rules.
18. We see no logical reason why the Taieri is even included in PC7. In a few short years the catchment would have all been functioning under the minimum flow regime, water management groups, residual flows and efficiency assessments.
19. The permits that have been recently reissued in the Taieri have undergone full and comprehensive assessments. The consent conditions on those permits include environmental gains, adaptive management conditions, efficiency assessments and residual flows in return for long term consents as determined by commissioners and an Environment Court judge.
20. The Upper Taieri Water users need to the ORC to finish the job that was started in the catchment with the setting of the minimum flows and support for Water Management Groups in Plan Change 1C. ORC have removed the positive outcomes that were just around the corner for the Upper Taieri by putting on hold the current water plan for another 8+ years.
21. The criteria in the controlled activity and the methodology in the schedule are random and not at all related to effects or the practical use of irrigation water or measuring service providers.
22. If the ORC needs to standardise their water use assessment methods, we advise they use the assistance of an irrigation expert. The ORC consent staff should stop trying to implement new tighter criteria on every new application to take water off irrigators. It is almost as if their sole aim is to keep thinking of ways of justifying re issuing less and less water. It is a mean, miserable and inconsistent approach to planning assessments.
23. PC7 is a poor piece of planning work that has caused untold stress and expense on the farming sector. The Taieri Catchment does not need to be in this Plan Change.