

ORC Water Permits Plan Change

Submission Reference no: 52

Dugals MacTavish, **Wise Response Society Inc (Alan Mark)**



Submitter Type: Not specified

Source: Email

Overall Notes:

Clause

Are you a trade competitor?

Position

I am a person who would not gain an advantage in trade competition through this submission

Notes

Clause

What are you submitting on? You can submit on specific parts of the plan change or the whole plan change.

Position

I am submitting on the whole plan change.

Notes

Clause

What is your view on the matter or the specific parts listed above? Please select one, if you have multiple views state clearly in the notes box below.

Position

Support

Notes

Clause

What decision would you like the Environment Court to make?

Notes

see submission

Clause

Do you wish to be heard in support of your submission? All submissions will be considered by the Environment Court. Please indicate if you wish to be heard in support of your submission.

Position

I wish to be heard in support of my submission

Notes

Clause

Please indicate your choice(s) below. If you do not indicate your intention to call experts, you can change your mind later and decide to call experts to give evidence in relation to your submission, provided you do so in time to meet any procedural direction the Environment Court might make.

Position

If others make a similar submission I/we would consider presenting a joint case with them at a hearing

Notes

Clause

Authority to act:

Position

I confirm I have the authority to sign this submission on behalf of the submitter

Notes

[REDACTED]

From: Dugald MacTavish [REDACTED]
Sent: Monday, 17 August 2020 9:34 pm
To: ORCplanchanges
Cc: policy@orc.govt.nz
Subject: Re: Wise Response submission Deemed Permit PC7
Attachments: Wise Response Submission_ to WPPC-Plan_Change_7 170820 Final.pdf

Further to earlier correspondence from us, the Otago Regional Council has advised that there is a double negative in their proforma submission form.

I have made our position clear on this in the attached submission and taken the opportunity to clarify a couple of entries in the table of changes requested.

Could you please therefore substitute this submission for the one sent earlier today. This submission can be distinguished from the earlier one by the final word "Final" in the document name.

Please can you confirm.

Thankyou very much.

Dugald MacTavish (Sec, Wise Response Society Inc)

On 17/08/2020 4:04 pm, Dugald MacTavish wrote:

> Please find attached the Wise Response submission to the Proposed Plan
> Change 7 (Water Permits)

>

> Please advise safe receipt.

>

> Yours sincerely

>

> Duagld MacTavish (Secretary of Wise Response)

>

--

Dugald MacTavish, [REDACTED]

On a branch,
floating downriver,
a cricket singing.
-Kobayashi Issa

SUBMISSION FORM

6 July 2020

Otago Regional Council Water Permits Plan Change - Plan Change 7 (WPPC)

This form is for making submissions on a change the Otago Regional Council (ORC) has prepared for the Regional Plan: Water for Otago. The Water Permits Plan change (WPPC) has been called in by the Minister for the Environment under section 142(2) of the Resource Management Act 1991 (RMA).

The WPPC includes an objective, policies and rules that manage the replacement of deemed permits (also known as mining privileges) expiring in 2021, and any other water permits expiring prior to 31 December 2025 (the date by which a new Regional Land and Water Plan is expected to be operative). The plan change also introduces a new policy regarding the duration of new water permits.

This submission form includes guidance to aid the submitter. For more information on the WPPC please refer to the Public Notice or the EPA website: www.epa.govt.nz/ORCplanchanges.

ORC Submission Period

The ORC previously notified WPPC on 18 March 2020 and the submission period closed 4 May 2020. If you made a submission on the WPPC to ORC, your submission will be treated as having been made to the EPA. However, you may also make a submission to the EPA if you have already made a submission to ORC.

Where to get help preparing your submission

If you have any queries about making a submission or the plan change itself please contact the EPA by phone on 0800 401 673 or by email at ORCplanchanges@epa.govt.nz.

How to make a submission

Your submission on WPPC must be received no later than **5pm on Monday, 17 August 2020**.

You must also send a copy of your submission on the WPPC to the ORC when you make a submission.

Submissions on the WPPC can be made by either:

1. Using the online submission form on the EPA website under www.epa.govt.nz/ORCplanchanges
All submissions made online will automatically be forwarded to the applicant and the form includes a space to upload any supporting documents; OR,
2. Filling out this form and:
 - a. Emailing it and any supporting information to ORCplanchanges@epa.govt.nz (if smaller than 10 MB) with the following subject line: Submission [Your Name] ORC Plan Change (WPPC);
OR
 - b. Posting it and any supporting information to: Environmental Protection Authority, ORC Proposed Plan Changes, Private Bag 63002, Wellington 6140; OR
 - c. Delivering it in person to the Environmental Protection Authority office on Level 10/215 Lambton Quay.

Submissions made on this form must be forwarded to ORC by either:

1. Emailing it and any supporting information to policy@orc.govt.nz (if smaller than 10 MB) with the following subject line: Submission [Your Name] ORC Plan Change (WPPC); Posting it and any supporting information to Otago Regional Council (attention Rachel Currie), Private Bag 1954, Dunedin 9054
2. In person to Otago Regional Council (attention Rachel Currie), at any of the Otago Regional Council office:
 - Alexandra (William Fraser Building, Dunorling Street),
 - Dunedin (70 Stafford Street); or
 - Queenstown (Terrace Junction, 1092 Frankton Road).

Privacy statement

The personal information you provide on this form will be held by the EPA, 215 Lambton Quay, Wellington. It will be used by the EPA for the purpose of administering the public consultation aspects of the proposed WPCC. Copies of your full submission will be provided to the Environment Court and the ORC, and your address for service may also be provided to other parties in the process. Other than your name, your personal contact information in [Part A](#) of this form will not be published on the EPA website.

Your name, the information in [Part B](#) of this form, and any attached information will be published on the EPA website, and made available to the Environment Court, the ORC and the public for use in the processing and consideration of the proposed WPPC.

By completing this submission form, you give the EPA permission to use the information for the purpose stated above. You have the right to access and correct personal information held by the EPA.

All information held by the EPA is subject to the Official Information Act 1982.

Note: If the submitter is a company, full business contact details will be published on the website.

Notes about your submission

Please note, 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 is supported only by evidence 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 evidence on the matter:
- it contains offensive language.

Part A

Submitter details

Name of organisation: <i>(if relevant)</i>	Wise Response Society Inc		
Title:	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input checked="" type="checkbox"/> Dr <input type="checkbox"/> Other: (Please tick the appropriate title)		
First name of submitter:	Alan	Surname of submitter:	Mark
First name of contact person: <i>(if different to above)</i>	Dugald	Surname of contact person: <i>(if different to above)</i>	MacTavish
Home Ph:		Work Ph:	██████████
Mobile:			
Email address for service:	██		
Postal Address: <i>(or alternative address for service)</i>	██	Postcode:	████

Part B

Submitter Name: Wise Response Society Inc_

This is a submission on a matter in relation to which the Minister for the Environment made a direction under section 142(2) of the Resource Management Act 1991. The matter is the Water Permits Plan Change - Plan Change 7 (WPPC) proposed by the Otago Regional Council.

If you require additional space for any question(s) please attach further documents or paper to this submission form and clearly state your name and the question(s) you are expanding on.

Are you a trade competitor?

Please select the appropriate option.

I am not a person who **would not** gain an advantage in trade competition through this submission. We would not gain such and advantage through this submission

I am a person who **would** 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. Y N

What are you submitting on?

You can submit on specific parts of the WPPC or the whole plan change.

I am submitting on the **whole** of the WPPC

I am submitting on **specific parts** of the WPPC (please detail below)

The specific parts of the WPPC that my submission relates to are:

Whole of Submission

10A.1 Objective

10A.2.1 (a, b, c, d, e)

10A.2.2

10A.2.3

Rules

10A.3.1.1

Controlled activities reserved

Public notification

10A.4.1 Methodology for calculating 'Rate of Take Limit'

What is your view on the WPPC or the specific parts listed above?

Please select one, if you have multiple views state clearly in the comments box below.

Support

Neutral

Oppose

The reasons for my view are:

Submission on the Overall proposed Plan Change

1. These general comments regarding the Plan Change supplement the comments made in our earlier submission to the Otago Regional Council dated May 4 2020.
2. Given that the RMA provided a 30-year lead time to transfer deemed water permits to resource consents, our Society was not supportive when the extension to current deemed permits was first proposed (refer to our earlier submission).
3. The difficulty now is that because this is an “interim” plan change seeking only to “transition toward the long-term sustainable management or surface water” (objective 10A.1.1), as proposed, it effectively creates a hiatus during which time fundamental environmental issues cannot be properly addressed and water users are not encouraged to seriously review their operations because they still don’t know the conditions of their final permits.
4. Until 2025 it also appears as if these draft policies, are largely limited to characterising and accepting current practice on existing irrigation command areas (2017-18) and removing overtly inefficient water use beyond recent abstraction rates and volumes. Moreover, the draft accepts that there will be situations where there may still be no residual flow, minimum flow or take concession conditions.
5. This is unacceptable to the Society because as long as this is the case, there is no certainty that the purpose of the Act is being achieved.
6. We draw attention to this in section 2 of our earlier submission concluding

“Accordingly, before any new consents are granted, we consider this Plan Change requires a environmental flow regime to be established for each river. This should be based on the best available hydrological and ecological information or modelling which will be reviewed once the other Statements and Plans are operative.”

7. We believe that a “first cut” environmental flow regime can be developed for all catchments that are currently tapped for irrigation based, if necessary, on synthetic data generated from rainfall/runoff modelling. Range of Variability modelling can be used to identify a combination of minimum flows, freshes and floods to avoid flat-lining rivers and sustain a healthy riverine ecosystem.
8. With that information, the Council would be able to renew consents in the knowledge that the long-term health of the rivers was (re)secured.
9. Importantly, this “first cut” approach could be implemented quickly and would give users a much better idea of what their long-term allocations were likely to look like and so could start to plan for that. Concurrently, any gaps in actual

hydrological measurements could be addressed to provide more precise information to feed into the Land and Water Plan and subsequent longer-term consents.

Wider context

10. It is understandable that some current water users may feel threatened by the *near-term* implications of this process for their current farming enterprise. However, change in water availability as a result of climate change impacts on the hydrological cycle are already going to demand landuse review. Moreover, there are other threats that require the sector as a whole to stand back and take stock.
11. With the need for global emissions to be halved by 2030¹ (and agriculture contributing about half of our GHGs) it is clear that the Climate Change Commission is going to be recommending to the Government that the agricultural sector (as well as all others) develop carbon budgets and get on a path to a much lower emission profile.
12. A recent report in the US Proceedings of the National Academy of Sciences² has looked at cumulative greenhouse gas emissions since 2005 and how they match up against the range of IPCC scenarios. They have found that by 2020, the emissions matched the “business as usual” or RCP8.5 predictions very closely and that extending the trends to 2030, and to 2050, gave the same outcome.
13. That means that – by the end of the century – the planet could be 3.3°C to 5.4°C warmer than it was at the launch of the Industrial Revolution and the worldwide switch to fossil fuels. If we remain on a BAU pathway we will be 2 °C warmer by 2050 which is now considered conditions may be unsafe¹. And all the while we are at increasing risk of breaching an irreversible threshold. Such a scenario is of course unsustainable for all humanity – including irrigating farmers – so must be addressed.
14. Concurrently, synthetic protein is making enormous advances so may seriously disrupt traditional pasture-based farming activity at any time.
15. In Section 4 of our original submission we referred to the potential to improve soil moisture availability with land management practices that improve soil water holding capacity with the attention to building soil carbon and supporting the soil ecosystem. It is encouraging to learn of the recent high attendance at meetings to hear from farmers who have adopted “regenerative” systems, which are founded on more sensitive soil management. If soil water capacity can be widely built, it will improve both the flows in rivers and their water quality.

Concluding remarks

¹ IPCC 1.5 deg report 2019

² <https://www.woodwellclimate.org/worst-case-co2-emissions-scenario-is-best-match-for-assessing-climate-risk-impact-by-2050/>

16. In this broad context, the degree to which new planning conditions required to address our predicament and safeguard the environment are seen as too onerous to be managed, may be seen as the extent to which that system of land use is unsustainable and in need of change.
17. Preserving a healthy land and water base is the best way to future-proof ourselves for these uncertainties, as it maintains resilience and gives us maximum opportunity to transition to viable alternative enterprise. So, the sooner we can secure the health of our rivers the better and this plan change should not shy away from facilitating this. This will require the adoption of preliminary environmental flow regimes, after which interim water permits can be issued.
18. This has the additional advantage of already having in place a good level of protection to our rivers, should the development of the new Land and Water Plan be delayed (for whatever reason) beyond 31 December 2025.
19. The specific recommendations for the draft plan provided below are intended to address the issues discussed above.

What decision would you like the Environment Court to make?

Please select one, if you have reasons for your view or suggested amendments please state clearly in the comments box below.

Approve the WPPC

Approve the WPPC with amendments

Decline the WPPC

The reasons for my view and/or any amendments I am seeking are:

Specific policy recommendations

Submitting on	Existing provision/ subject	Change/decision sought	Reason
10A.1 Objective	...where those water permits expire prior to 31 December 2025, until the new Land and Water Regional Plan is made operative.	Clarify	The two provisions may not coincide.
10A.2.1 Policies a	Valid permit	Support	
b	No increase in irrigation area	Support	By and large, mining permits have resulted in overallocation of water. Any watering efficiencies should therefore return to the river at least for these interim consents.
c	No increase in instantaneous	Support until there is an environmental flow regime	Once the environmental flow regime is known then it may have lower

			environmental impact to abstract water quickly during a flood
d	“Any existing residual flow, minimum flow...”	“ <u>An</u> existing residual flow, minimum flow...”	Sustainable water allocation cannot be achieved without first setting an environmental flow regime.
e	There is a reduction in the volume of water allocated for abstraction	Replace with “Water allocated does not conflict with the environmental flow regime”	It seems possible that some current practice is so good that no reduction in current water allocation is required.
f	<i>New Provision</i>	There is a farm plan that demonstrates that landuse practice is improving water holding capacity (or sustaining it where it is already high).	Higher soil water holding capacity improves rainfall efficiency, and reduces the irrigation requirement. Soils with a low water holding capacity are therefore more efficient with irrigation water and require less water from ground or surface water.
10A.2.3	... for a duration of no more than six years”	This appears to allow a consent for at least six years irrespective of when it is lodged.	All resource consents granted under this plan change should be reviewed as soon as possible after the Land and Water Plan is finalised.
10A.3.1.1	Controlled activity		
(b)	Water abstraction	Add “ <i>instantaneous rate</i> ”.	It is important that Council can control all aspects of the nature of the abstraction.
(e)	Water allocation committee	Require representation on these committees that represent recreational and ecological interests	Water abstraction affects all those who “use” the river in different ways so it is only right that their interests are protected. At the very least the water authority should be represented.
	Notification	All resource consent applications should be notified until there is an environmental flow regime for the river.	Water abstraction affects all those who “use” the river in different ways so it is only right that their interests are protected.
10A.4.1	“...determine the maximum rate taken at any time during that year”	“...determine the maximum rate taken at any time during that year <u>over no less than 2 hours</u> ”.	There are many reasons why there may be a very high rate of intake for a short period that is not representative.
(5)	Margin of error	Clarify if this is plus or minus, or total margin.	

Do you wish to be heard in support of your submission?

All submissions will be considered by the Environment Court.

Please indicate if you wish to be heard in support of your submission

I **do not wish** to be heard in support of my submission

I **wish** to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at the hearing.

I intend to call an expert witness(es)

(If you do not tick this box, you can change your mind later and decide to call experts to give evidence in relation to your submission, provided you do so in time to meet any procedural direction the Environment Court might make)

Authority to Act

I confirm that I have authority to sign this submission on behalf of the submitter

Signature: Dugald MacTavish Date: **17 August 2020**

[REDACTED]

From: Dugald MacTavish [REDACTED]
Sent: Monday, 17 August 2020 8:24 pm
To: ORCplanchanges
Cc: Alan Mark; policy@orc.govt.nz
Subject: Re: Wise Response submission Deemed Permit PC7

Hello Michaela - thats very observant of you. I just saw the highlighted words" not gain" in one box and "would gain" in the other and ticked the former. Its on the EPA form, so I guess they will understand what was intended. Thanks for alerting everyone to this.

Dugald

On 17/08/2020 6:35 pm, ORCplanchanges wrote:

Hi Dugald

I confirm we have received your submission. We did notice a small mistake on our form, there is a double negative "I am **not** a person who **would not gain** an advantage in trade competition through this submission" – should read "I am a person who **would not gain** an advantage in trade competition through this submission". I presume that is what you thought it would mean, just wanted to check that you are not a trade competitor?

Many thanks and sorry for any confusion.

Kind regards

Michaela Aspell

ORC Plan Changes Project Team
Land & Oceans Applications
0800 401673



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The contents may be confidential and are not necessarily the opinions of EPA New Zealand.
If you receive this message in error, please notify the sender and delete the message and any attachment(s).

-----Original Message-----

From: Dugald MacTavish [REDACTED]
Sent: Monday, 17 August 2020 4:05 pm
To: ORCplanchanges <ORCplanchanges@epa.govt.nz>
Cc: Alan Mark [REDACTED]
Subject: Wise Response submission Deemed Permit PC7

Please find attached the Wise Response submission to the Proposed Plan Change 7 (Water Permits)

Please advise safe receipt.

Yours sincerely

Dugald MacTavish (Secretary of Wise Response)

--

Dugald MacTavish, [REDACTED]

On a branch,
floating downriver,
a cricket singing.
-Kobayashi Issa

--

Dugald MacTavish, [REDACTED]

On a branch,
floating downriver,
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-Kobayashi Issa