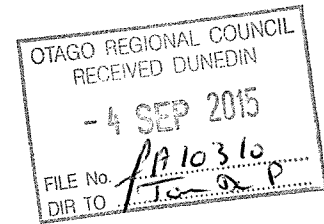


Submission Form - Proposed Plan Change 5A



Submission Date 04-09-2015 10:37:24
Name of submitter: BRYAN WRIGHTON
Postal address: Street Address: 17 the Terrace
City: QUEENSTOWN
Postcode: 9300
Telephone: (03479) 8371
E-mail: bryanwrighton@gmail.com



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

If others make a similar submission, I will / will not consider presenting jointly with them at a hearing: I will consider presenting jointly

Signature of submitter, or person authorised to sign on their behalf::

2. State what decision you want the Otago Regional Council to make:

I want to ORC to mandate that the minimum water flow for the Lindis is kept well above 1000 litres/sec. This is a precious river, and up to now one of the very few "as God made it" rivers. To have a flow of less than 750 litres/sec will seriously degrade this wonderful resource

3. Give reasons for the decision you want made:

I am a fly fisherman and enjoy the river BUT more than that I want to preserve one of the few truly natural river in the country



SUBMISSION FORM (Print clearly on both sides)
Proposed Plan Change 5A (Lindis: Integrated water management to the Regional Plan: Water for Otago)
 (Form 5, Clause 6 of the First Schedule, Resource Management Act 1991)

52
 OTAGO REGIONAL COUNCIL
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 - 4 SEP 2015
 FILE NO. FA 10316
 DIR TO: J. C. R. P.

Name of submitter

PETER WILLIAM JOLLY

Organisation
(if applicable)

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 TARAS
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Telephone:

0274345072

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pwjolly@ihug.co.nz

Note that all submissions are made available for public inspection

I wish do not wish (circle preference) to be heard in support of my submission.

If others make a similar submission I will not consider presenting jointly with them at a hearing (circle preference).

Signature:

1/9/15

Date:

(of submitter, or person authorised to sign on their behalf).

Trade competitor's declaration (if applicable)

I could gain through trade competition from a submission but my submission is limited to addressing environmental effects directly affecting my business

Signature:



Send to:
 Freepost ORC 497
 Otago Regional Council
 Private Bag 1954
 Dunedin 9054

**SUBMISSIONS MUST BE RECEIVED BY 5.00 PM
 FRIDAY 4 SEPTEMBER 2015**

Please turn over

1 State what your submission relates to and if you support, oppose or want it amended	2 State what decision you want the Otago Regional Council to make	3 Give reasons for the decision you want made
PROPOSE PLAN CHANGE EA (LINDIS)		
OPPOSE POLICY 6.4.5	LONGER TRANSITION PERIOD	SEE ATTACHED
OPPOSE CATCHMENT BOUNDARY (MAPS 64001B7)	AMMEND TO INCLUDE WHOLE OF LINDIS CATCHMENT	SEE ATTACHED
OPPOSE MINIMUM FLOWS FOR PRIMARY ALLOCATION	AMMEND TO LOWER MAX OF 450 L.S.	SEE ATTACHED
AMMEND SCHEDULE 2A	AMMEND TO A HIGHER PRIMARY ALLOCATION LIMIT	SEE ATTACHED
OPPOSE PLAN MAPS	AMMEND CATCHMENT BOUNDARY	SEE ATTACHED

Please add pages as required

OPPOSE POLICY 6.4.5

REASONS :

Longer transition period required for farmers to access the effect of any minimum flow so as to be confident that the available water will be reliable enough to make increased costs associated with alternative forms of irrigation economic, ie, shifting point of take thus requiring pumping, pressurizing and huge investment in spray irrigation.

OPPOSE PROPOSED CATCHMENT BOUNDARY, MAPS B4 AND B7

REASONS ;

Tarras must not be excluded from the catchment boundary, it has relied on Lindis water for past 90 years as has the Ardgour Valley, there is no guarantee around being able to obtain water and appropriate easements from any alternative source. To exclude any presently Lindis irrigated land from the proposed catchment boundary (maps B4, B7) would be wrong as land would almost certainly be left dry, this is clearly in breach of the RMA which states the economic and social wellbeing of a community must taken in to account.

OPPOSE MINIMUM FLOWS FOR PRIMARY ALLOCATION

REASONS :

No logical reason to set a 750 LS minimum flow, 450 LS is a much better balance, both economically and environmentally, the effects of a high minimum flow are the reliability factor for water supply becomes so low that it is uneconomic to sustain investment in upgraded forms or irrigation. This would adversely effect the economic and social wellbeing of the community and thus be in breach of the RMA.

AMEND SCHEDULE 2A

REASONS :

The proposed limit would create too much uncertainty around water reliability and thus have a detrimental effect on the economics of investment in upgraded irrigation systems.

OPPOSE WATER PLAN MAPS B4 AND B7

REASONS :

The proposed boundary would have major social and economics impacts on the Tarras community (in breach of the RMA), the boundaries must be redefined to include the whole of the Lindis catchment.



SUBMISSION FORM (Print clearly on both sides)

Proposed Plan Change 5A (Lindis: Integrated water management to the Regional Plan: Water for Otago)

(Form 5, Clause 6 of the First Schedule, Resource Management Act 1991)

53
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FILE NO. 1910310
DIR TO For PC

Name of submitter

TIM DAVIS

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(if applicable) LONG ACRE STATION

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Note that all submissions are made available for public inspection

**SUBMISSIONS MUST BE RECEIVED BY 5.00 PM
FRIDAY 4 SEPTEMBER 2015**

Please turn over

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

If others make a similar submission, I will not consider presenting jointly with them at a hearing (circle preference).

Signature: Tim Davis

Date: 29 2015

(of submitter, or person authorised to sign on their behalf)

Trade competitor's declaration (if applicable)

I could gain through trade competition from a submission but my submission is limited to addressing environmental effects directly affecting my business

Signature:



Send to:
Freepost ORC 497
Otago Regional Council
Private Bag 1954
Dunedin 9054

Submission on Proposed Plan Change 5A (Lindis : Integrated water management)

Summary of submission

Schedule 2A (3) :

I oppose the minimum flow of 750 l/s between Oct and May,

I oppose the primary allocation limit of 1000 l/s

Policy 6.5.4

I oppose the implementation of minimum flow in 2021

Water plan maps, B4

I oppose the arbitrary map that has attempted to divide the catchment in two.

I would like council to:

Recommend a stepped flow of 450 l/s between Oct-May as ORC science team initially recommended, and also in events when the Lindis Peak flow recorder drops below 1100 l/s drop the flow to 250 l/s

Recommend a primary allocation limit agreed between Lindis Catchment Group and Council

Insert a transition period to allow the catchment time to make necessary adjustments to their businesses, at the very least out to 2026

Define the Lindis catchment as the geographic boundary, and treat all current water users of the Lindis River on an equal footing

I farm in the Lindis valley, on a property initially purchased by my grandfather. In anticipation of the end of deemed permits, along with the benefits derived to a switch to efficient irrigation, we have transferred the majority of our irrigation to methods which at present are deemed to be efficient. This began with the installation of a pivot irrigator in 2003, and continued as irrigation infrastructure and finance permitted. Our last major investment occurred in 2013. For the 5 years preceding this last installation, the Otago Regional Council, through support from its water science unit, had been recommending a minimum flow of 450 l/s. It was upon these 5 years of recommendations that we felt confident of investing in this efficient irrigation.

A minimum flow of 750 l/s puts this investment, along with the property, in serious jeopardy. It will cease to be efficient, as pivots and intermittent application do not combine well. The financial effects by Council have not been well understood. At a farm level, catchment wide, and to the wider Otago community. Indeed, they have not endeavored to accurately find them out at all.

External reports from Opus and Berl are woefully inadequate, and appear to have been written to defend an outcome rather than investigate the facts for which a recommendation can then be made.

The Opus report has some relevant information in which the Council and Berl have either overlooked or disregarded. The Council in Section 32 implies in an 'average' year economic losses will be minor. In my view this is incorrect. There was no analyses presented on economic losses in a dry year, the most important time for irrigation.

The Council makes assertions about economic opportunities. I don't view storage as an economic opportunity. It is a deadweight cost to my business compared to the current situation. Opus makes the case quite well that storage in any large degree for the Lindis catchment is uneconomic. This is especially the case when other cheaper alternatives are available. One of these being a lower minimum flow. This is one of the reasons why a stepped flow is desirable in dry years and why I support a flow of 250 l/s in these times.

It is interesting to see that Council states in the section 32 that "a water management regime that is developed in consultation with the local community is more likely to be accepted by water users and other stakeholders". I do not believe this water management regime has had a lot of input from the local community.

A series of think tanks were undertaken between Fish and Game and the Lindis Catchment group (LCG). This was where real consultation took place. Flow management solutions unique to the river were talked about. These include but not limited to, minor channel management, targeted willow removal, gravel extraction, flushing flows, and relocation of points of take. Transition arrangements were discussed, taking into account the unique nature of the catchment. Despite Councils incorrect assertions they were present and involved in these think-tanks, none of these provisions

and transitions have been inserted into the plan change. I recommend that council adopt some of these unique solutions as part of the management regime.

It was also stated that natural variability in the catchment has a bigger effect on reliability than the minimum flow. There was no evidence supplied to support this assertion, and at a flow of 750 l/s, is incorrect.

Much has been made of the benefits of the minimum flow, yet little of these benefits have been qualified or quantified. What is the projected increase in fishing days? What is the likely improvement in recreational opportunities going to look like. Berl included a little of this in their economic analyses which has been regurgitated by Council, the findings of which were both vague and uncalculated, leading me to believe benefits are minor, negligible, or in some cases negative.

There has been a large focus on trout habitat and rearing, while very little on native species. The two, trout and native species, are not complementary. Any increase in trout is likely to have a detrimental effect on native species which does not bode well for the endangered flathead galaxid. The Council have tried to counter this by implying tributaries will be for native species, and trout will be excluded by man-made barriers. No work has been done around these barriers, no consultation with landowners, and from my knowledge the practicalities of this will be a lot harder to achieve than what Council implies. It does not excuse them for prioritising trout over native fish in the Lindis River proper.

The current state of the river with regards to water quality is very good. It provides excellent trout habitat and rearing in the middle and upper reaches as determined by recent studies. This is despite the lower reaches being in a less than desirable state. It shows how species can adapt and thrive in unique environments. I recognise tho that something does need to be done in the lower river.

With the lower reaches being in a less than desirable state, the Council should look at ALL options to increase the values, not just a blunt instrument such as a minimum flow of 750 l/s which has unacceptably high economic and social costs to the local community. Simply a change in the point of takes, plus a reduction in demand from 2700 l/s to somewhere in the vicinity of 1500 l/s, will provide similar and possibly more benefits to the values of the river, at less costs. The costs of relocation, while substantial for water users, will be less than that of a draconian minimum flow.

Two other issues have also arisen. Firstly a map has been developed that has split the catchment into two. It looks like a blatant attempt to justify demand assumptions, and to make the proposed primary allocation work for Councils surety of supply graphs. Properties that have historically been taking water from the Lindis River should be treated the same whether they are in the Upper Lindis, Lower Lindis or the Tarras basin. The same tests should apply to all. Namely if alternative water sources other than the Lindis River are available, should be used. It should not just be a requirement under a map scenario. Following from this, the primary allocation should be raised to a level that

allows all deemed permits to be renewed as per current rules around volume, efficiency and alternative sources.

There are many flaws in the Councils approach to the Lindis River catchment. It is a unique catchment. It is one of the driest catchments in the country, with the Lindis river then flowing into the largest river in New Zealand. It needs a flow management regime that recognizes this. A unique regime, one that cannot just be transplanted from other catchments in a one size fits all approach. Where every stakeholder can share in the improvements, and one where the costs are not borne by just the local community. The council, despite its so called 'consultation', has not taken this approach.

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OTAGO REGIONAL COUNCIL
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- 4 SEP 2015
FILE No. 1110.310
DIR TO J. C. P.

Otago Regional Council
Private Bag 1954
Dunedin

04 September 2015

Dear Sir / Madam

Re: Submission on Proposed Plan Change 5A (Lindis: Integrated Water Management)

1. This is a submission from the Otago Fish and Game Council on proposed plan change 5A (Lindis: Integrated Water Management), notified on 8 August 2015.
2. The Otago Fish and Game Council (Fish and Game) is the statutory manager of sports fish and gamebirds within the Lindis River catchment, under section 26Q of the Conservation Act 1987.
3. Fish and Game is not a person who could gain an advantage in trade competition through this submission, pursuant to clause 6 of Schedule 1 of the Resource Management Act 1991 ("the Act").
4. Fish and Game's full submission on proposed plan change 5A and the relief sought is set out in Appendix 1. There is also a marked up version of proposed plan change 5A attached as Appendix 2.

Background

5. The Lindis River surface water resources have been heavily over-allocated for over 100 years, as mining privileges (known as deemed permits under section 413 of the RMA) are the primary legal means used to allocate surface water in the catchment. Mining privileges were issued with little understanding of hydrology and regard for instream values.

6. The historic lack of any environmental safeguards on Central Otago rivers where water was allocated by mining privileges was addressed through the introduction of the Act. That signalled with a 30 year lead in time, a rebalancing between private irrigation water and the public river. The 30-year timeframe was introduced to allow irrigators the ability to adjust, but it is only recently that a serious shift to alternatives has occurred in the Lindis catchment.
7. Therefore, this plan change and the subsequent phase out of deemed permits offer a once-only chance to restore a meaningful flow to a river that has suffered. The 2021 end date for deemed permits is well known and the need to reallocate water to meet the environmental needs of the river comes as no surprise.
8. Fish and Game has previously indicated its opposition to the proposed 450 l/s and 750 l/s flow regime and was supportive of the proposed Tarras Water Scheme. Fish and Game's support for the scheme included assisting Tarras Water Limited with gaining the necessary resource consents that they required to build and operate the scheme.

Executive Summary

Support

9. Fish and Game supports the following aspects of proposed plan change 5A:
 - a. The winter minimum flow of 1600 litres per second (l/s);
 - b. The supplementary block size of 500 l/s;
 - c. The treatment of connected groundwater as surface water;
 - d. Setting maximum allocation limits for specified aquifers within the Bendigo-Tarras Basin (the Ardgour Valley, Bendigo, and Lower Tarras aquifers);
 - e. Mapping the boundaries of the catchment for the purposes of the minimum flow;
10. Fish and Game notes that the primary allocation limit of 1000 l/s is slightly higher than the default limit set by policy 6.4.2 of the Regional Plan: Water. Fish and Game support this limit on the condition that the summer primary allocation minimum flow is also raised to 1000 l/s.
11. The proposed supplementary minimum flows in schedule 2B are more permissive than the default regime, and Fish and Game are conditionally supportive of this to enable water harvesting to occur to encourage irrigators to

lessen their reliance on primary allocation from the Lindis. Fish and Game's support for the supplementary minimum flows is conditional on:

- a. The proposed summer flow season being defined as 1 October to 30 April;
 - b. The winter minimum flow season being defined as from 1 May to 30 September;
 - c. A summer minimum flow of 1000 l/s or higher being adopted, instead of the proposed 750 l/s for primary allocation takes in schedule 2A.
12. If the relief sought by Fish and Game on the summer minimum flow, and the season is not adopted, Fish and Game opposes the supplementary flow regime.

Oppose

Flows and timeframes – primary allocation

13. Fish and Game opposes the proposed summer primary allocation minimum flow (1 October to 31 May) of 750 litres per second in schedule 2A. Fish and Game seeks that the summer minimum flow is set at 1000 l/s and that 30 April is used as an end date for the summer minimum flow season with the winter minimum flow starting on 1 May.
14. Fish and Game considers that the proposed summer minimum flow, and its season, does not adequately provide for or have regard to the purpose and principles of the Act, including but not limited to:
- a. The purpose:
 - i. Safeguarding the life supporting capacity of... water, soil, and ecosystems (section 5(2)(b)), and
 - b. Matters of national importance:
 - i. the preservation of the natural character of ... wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development (section 6(a));
 - ii. the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (section 6(c));
 - c. Other matters such as:
 - i. Ensuring that resource use (including the taking of water and use of the assimilative capacity of water) is necessary, reasonable and efficient (section 7(b)).

- ii. The maintenance and enhancement of recreational values, amenity values, and the intrinsic values of ecosystems (section 7(c) and (d)).
 - iii. Maintenance and enhancement of the quality of freshwater environments, including wetland environments, as habitats for sports fish and game birds (section 7(f)).
 - iv. Protection of the habitat of trout and salmon (section 7(h));
- d. Fish and Game considers that proposed minimum flow does not give effect to the National Policy Statement for Freshwater Management including, but not limited to:¹
- i. Objectives A1, A2, B1, B2, B3 of the National Policy Statement on Freshwater Management;
 - ii. Policies A1, A2, B1, B2, B3, B5, B6 of the National Policy Statement on Freshwater Management
- e. Fish and Game considers that the proposed minimum flow does not give effect to the objectives and policies of the operative Otago Regional Policy Statement including, but not limited to:²
- i. Objectives 6.4.3, 6.4.4, 6.4.8, 6.5.2, 6.5.4 of the Regional Policy Statement for Otago (RPS);
 - ii. Objectives 5.3.1, 5.3.4, 5.3.6, 6.3.1, 6.3.2, 6.3.3, 6.3.5, 6.3.6, 7.A.1 of the Regional Plan for Water (RPW);
 - iii. Policies 5.4.1, 5.4.2, 5.4.3, 5.4.8, 6.4.0, 6.4.0A, 6.4.0B, 6.4.0C, 7.B.1 of the Regional Plan for Water (RPW);
- Schedule 1A which lists the Lindis River as having significant trout spawning and juvenile habitat.
- f. Fish and Game considers that the proposed minimum flow is inconsistent with the proposed Otago Regional Policy Statement including, but not limited to:
- i. Objective 2.1 and Policies 2.11, 2.1.2, 2.1.6;
 - ii. Objective 2.2 and Policies 2.2.12, 2.2.13;

¹ Section 67(3)

² Section 67(4)(b)

- iii. Objective 2.3;
- g. Fish and Game also considers that the proposed summer minimum flow is inconsistent with:³
- i. The Otago Conservation Management Strategy;
 - ii. The draft Otago Conservation Management Strategy;
 - iii. The Sports Fish and Gamebird Management Plan for Otago;
15. Fish and Game considers that the section 32 analysis does not adequately examine the appropriateness of the minimum flow for achieving the objectives, or alternatives for achieving the objectives, nor does it adequately identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposed minimum flow.
16. Accordingly it does not appropriately recognise the importance of environmental protection and an adequate minimum flow as a core element of sustainable management. Instead of the 750 l/s summer minimum flow proposed currently (Option 3, section 32 evaluation report), Otago Fish and Game seeks a minimum flow of 1000 l/s at the Ardour road flow recorder from 1 October to 30 April.
17. It is noted that the naturalised 7 day MALF of the river (the mean annual low flow that would occur for a 7 day period without irrigation on the river) at the Ardour road flow recorder flow recorder was originally assumed to be 1610 l/s (Otago Regional Council, 2008), and later updated to 1864 l/s (Otago Regional Council, 2014). The minimum flow requested by Otago Fish and Game is thus 53% of MALF, or 70 litres per second greater than a flow of 930 litres per second (or 50% of MALF). This is substantially lower than many rivers in Otago.
18. A substantial amount of new information and proposals have been developed and advanced since the original flow proposals of 450/750 l/s were created. This information includes:
- a. A better understanding of the underlying hydrology of the catchment, including a raise in the estimate of the MALF. A flow of 750 l/s represents about 50% of the original MALF estimate, and 40% of the newly calculated MALF. This is low, even for Central Otago rivers and streams. Fish and Game's relief represents 53% of the newly calculated MALF;

³ Section 66(2) the Act; Council must have regard to proposed regional policy statements and any management plans and strategies prepared under other Acts.

- b. A new understanding of fish behaviour, predation, and mortality during times of low or no flow in the lower river;
 - c. New developments in irrigation infrastructure to enable landholders to source alternative ground or Clutha water and which reduce the requirement for Lindis River water.
 - d. A better understanding of how the effects of natural climate variability on the river affect the existing security of supply for irrigators.
19. Given that the draft National Environmental Standard on Environmental Flow Setting (Ministry for the Environment, 2008) recommend the setting of minimum flows at no less than 80% of MALF for rivers with a mean flow of greater than 5 cumecs, Otago Fish and Game's acceptance of a minimum flow of 53% of MALF is a recognition of the dry nature of the catchment, existing land use, and the need for some surface water abstraction to continue for those who do not have access to an alternative supply.
20. Given that the river naturally loses between 400-500 litres per second to groundwater (depending on the aquifer conditions) below the Ardgour road flow recorder, a flow of 1000 l/s would correspond to between 400-600 l/s flowing under the SH 8 road bridge and connecting to the Clutha. This would be sufficient to maintain the natural character throughout the lower river reach. Fish and Game has supplied photographs in Appendix 3 of the natural character of the lower river reach when flows have been at 1000 l/s to illustrate this natural character. These photographs were taken by the Clutha Fisheries Trust.
21. Assuming the 400-500 l/s loss above, It is noted that a minimum flow of 1000 l/s set at the Ardgour road flow recorder will provide for a flow range in the lower reaches of the Lindis River of between 400-500 l/s, which is 250-350 l/s below the point of inflection which has been established by IFIM habitat preference curves for juvenile brown trout in this river⁴.
22. Otago Fish and Game considers that a substantial amount of further information about how the river behaves has been established since the original dual minimum flow of 450/750 l/s was developed by the Otago Regional Council. This new information includes:
- a) detail of fish behaviour in the river at low flow times;

⁴ Figure 4.1, "Management Flows for Aquatic Ecosystems in the Lindis River", Otago Regional Council (Otago Regional Council, July 2008).

- b) information on spawning and rearing of juvenile trout;
- c) fish mortality;
- d) temperature data;
- e) specific reach-by-reach photography of the river's visual appearance during low flow times;
- f) a deterioration of water quality in the lower river (NNN), and the need to enhance water quality in the lower river, in order to meet Schedule 15 targets;
- g) new fisheries modelling techniques;
- h) new hydrological information;
- i) new information on the availability and accessibility of alternative water sources.

This information justifies a higher summer primary allocation minimum flow for the river.

Timeframes – Primary Allocation

- 23. Fish and Game opposes the summer minimum flow period of 1 October to 31 May. Trout and other freshwater fish require a higher flow in order to return to the river from the mainstem Clutha to spawn during the winter. Fish and Game instead seek that 30 April is used as an end date for the summer minimum flow season, with the winter minimum flow season beginning on 1 May, which is the often-used beginning date in Otago plans and resource consents for the beginning of the freshwater sports fish spawning season.
- 24. The proposed eight month summer low flow period risks a potential flat-line, with resultant detrimental effects on the river ecosystem, such as the growth of nuisance algae. A seven month period of 1 October to 30 April is fairer, and consistent with other rivers in Otago.
- 25. Fish and Game opposes the winter minimum flow period of 1 June to 30 September, and requests that these are changed in line with the changes suggested above, to 1 May to 30 September.

Transition and other matters

- 26. There is a need for this plan change to address the general issue of transition from deemed permits to resource consents, regardless of water source. The section 32 report does not adequately address matters of transition. It only addresses transition times under Policy 6.4.5. The topic of transition from deemed permits to resource consents is wider. These transition matters include:

- a. Facilitating the shifting of deemed permits to resource consents from alternative sources;
- b. The potential for gravel management and extraction in locations where there are substantial deposits to restore surface flows;
- c. Changing methods of take to restore fish passage and prevent ingress of small fish and elvers;
- d. Providing for variable rates of take through consents to mimic flushing flows and to enable the fine-tuning of water management.
- e. Providing certainty and a process to facilitate the fair break-up and reallocation of large deemed permits held by existing irrigation companies into individual or smaller components. This may also include the reallocation of former Lindis rights to alternative sources.

27. Fish and Game is open to planning measures, including amendments to other parts of the Regional Plan: Water to facilitate transition.

General relief

28. Fish and Game seeks any minor or consequential relief that relates to the relief sought in the rest of this submission.

29. Should aspects of Fish and Game's relief not be incorporated, or important provisions which we support be materially changed, the relief sought by Fish and Game to protect the fishery values and ecosystem help will have to be reviewed and amended.

Conclusion

30. Fish and Game requests to be heard at any hearing held to consider this plan change.

31. Thank you for the opportunity to submit on this upcoming plan change. Otago Fish and Game is committed to restoring meaningful flows in the river for future generations to enjoy.

Yours sincerely,

Peter Wilson
MPlan, BSc(Geog), Grad.NZPI, MRMLA
Environmental Officer
Otago Fish and Game Council



Appendix 1 – Relief sought

Reference / page number	Item	Support / Oppose	Relief sought	Reasons
Schedule 2A	Summer minimum flow, 750 litres per second (1 October to 31 May).	Oppose	Amend to 1000 litres per second	<p>Fish and Game opposes the proposed summer minimum flow (1 October to 31 May) of 750 litres per second. Fish and Game considers that the proposed minimum flow does not adequately provide for / have regard to the purpose and principles of the Act, including but not limited to:</p> <ul style="list-style-type: none"> a. The purpose: <ul style="list-style-type: none"> i. Safeguarding the life supporting capacity of... water, soil, and ecosystems (section 5(2)(b)) b. Matters of national importance: <ul style="list-style-type: none"> i. the preservation of the natural character of wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and

				<p>development (section 6(a));</p> <p>ii. the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (section 6(c));</p> <p>c. Other matters such as:</p> <p>Ensuring that resource use (including the taking of water and use of the assimilative capacity of water) is necessary, reasonable and efficient (section 7(b)).</p> <p>ii. The maintenance and enhancement of recreational values, amenity values, and the intrinsic values of ecosystems (section 7(c) and (d)).</p> <p>Maintenance and enhancement of the quality of freshwater</p>
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				<p>environments, including wetland environments, as habitats for indigenous species (section 7(f)).</p> <p>d. Fish and Game consider that the proposed minimum flow does not give effect to the National Policy Statement for Freshwater Management including, but not limited to:</p> <p>i. Objectives A1, A2, B1, B2, B3 of the National Policy Statement on Freshwater Management;</p> <p>ii. Policies A1, A2, B1, B2, B3, B5, B6 of the National Policy Statement on Freshwater Management</p> <p>e. Fish and Game consider that the</p>
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				<p>proposed minimum flow does not give effect to the Otago Regional Policy Statement including, but not limited to:</p> <ul style="list-style-type: none">i. Objectives 6.4.3, 6.4.4, 6.4.8, 6.5.2, 6.5.4 of the Regional Policy Statement for Otago (RPS);ii. Objectives 5.3.1, 5.3.4, 5.3.6, 6.3.1, 6.3.2, 6.3.3, 6.3.5, 6.3.6, 7.A.1 of the Regional Plan for Water (RPW);iii. Policies 5.4.1, 5.4.2, 5.4.3, 5.4.8, 6.4.0, 6.4.0A, 6.4.0B, 6.4.0C, 7.B.1 of the Regional Plan for Water (RPW); <p>f. Fish and Game consider that the proposed minimum flow is inconsistent with the proposed Otago Regional Policy Statement including, but not</p>
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				<p>limited to:</p> <p>Objective 2.1, Policies 2.1.1, 2.1.2, 2.1.6;</p> <p>Objective 2.2, Policy 2.2.12, 2.2.13;</p> <p>Objective 2.3;</p> <p>g. Fish and Game also considers that the proposed summer minimum flow is inconsistent with:</p> <p>i. The Otago Conservation Management Strategy;</p> <p>h. Fish and Game considers that the section 32 analysis does not adequately examine the appropriateness of the minimum flow for achieving the objectives, or alternatives for achieving the objectives, nor does it appropriately recognise the</p>
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				importance of environmental protection and an adequate minimum flow as a core element of sustainable management.
Schedule 2A	Summer minimum flow season (1 October to 31 May)	Oppose	Amend to 1 October to 30 April, and make subsequent amendments to the proposed winter minimum flow season	As above.
Schedule 2A	Winter minimum flow	Conditional support		Support for the winter minimum flow, the primary allocation limit, and supplementary regime is conditional upon the summer minimum flow being raised to 1000 litres per second and the summer minimum flow season amended to 1 October to 30 April.
Schedule 2A	Primary allocation limit	Conditional support		Support for the winter minimum flow, the primary allocation limit, and

				supplementary regime is conditional upon the summer minimum flow being raised to 1000 litres per second and the summer minimum flow season amended to 1 October to 30 April.
Schedule 2B	First supplementary allocation block and season	Conditional support		Support for the winter minimum flow, the primary allocation limit, and supplementary regime is conditional upon the summer minimum flow being raised to 1000 litres per second and the flow season amended to 1 October to 30 April.
Schedule 2B	Second supplementary allocation block and season	Conditional support		Support for the winter minimum flow, the primary allocation limit, and supplementary regime is conditional upon the summer minimum flow being raised to 1000 litres per second and the flow season amended to 1 October to 30 April.
Schedule 1A	Table of values - Central Otago subregion	Add	Add <i>Birddiv</i> to the list of values	The presence of indigenous waterfowl and wading birds in the lower Lindis justifies this addition to Schedule 1A
Schedule 2C	Schedule of aquifers where groundwater takes are considered to	Support	Support	

	be primary allocation, and subject to minimum flows of specific catchments in accordance with Policy 6.4.1A – Lindis Alluvial Ribbon Aquifer			
Schedule 4A – Maximum allocation limits for groundwater takes from aquifers – Ardgour Valley Aquifer, Bendigo Aquifer, Lower Tarras Aquifer	Maximum Allocation Limit (million cubic metres per year)	Support	Support	
Schedule 4B.2 – Restrictions for groundwater takes – Cromwell Terrace Aquifer C7	Restrictions for groundwater takes	Oppose restriction: “There shall be no take for irrigation purposes between 1	Oppose	The existence of a resource consent, in this case, the consent held by Contact Energy Limited to operate the Clutha hydro scheme should not provide an open-ended and undefined ability for the Regional Plan: Water to place restrictions on water permits

		May and 31 August inclusive. Other restrictions may be imposed on resource consents to help maintain lake levels"		through Schedule 4B.2
Maps	Maps for the Lindis catchment	Support	Support	
Various	Transition matters	Add	Other objectives, policies, methods, rules, and Schedules to the Regional Plan: Water.	The transition from deemed permits to resource consents, involving alternative sources of water will require other amendments to the regional plan.

Appendix 2 – Fish and Game marked up version (shown in red and strikethrough) of plan change 5A

Regional Plan: Water for Otago

Proposed Plan Change 5A

(Lindis: Integrated water management)

Changes proposed by Fish and Game are shown in red

ISBN 978-0-908324-12-5

Introduction

The Otago Regional Council has prepared Proposed Plan Change 5A (Lindis: Integrated water management) to the Regional Plan: Water for Otago. Proposed Plan Change 5A:

- Sets a management regime (allocation limits and minimum flow) for surface water and connected groundwater in the Lindis catchment;
- Sets a management regime (maximum allocation limits and take restrictions) for specified aquifers within the Bendigo-Tarras Basin (Ardgour Valley, Bendigo and Lower Tarras Aquifers);
- Maps the minimum flow catchment boundaries and monitoring site associated with the Lindis River in the B-series of the Water Plan maps; and
- Maps the boundaries of the Ardgour Valley, Bendigo and Lower Tarras aquifers and amends the boundaries of the Lindis Alluvial Ribbon Aquifer in the C-series map of the Water Plan.

This document should be read in conjunction with:

- Section 32 Evaluation Report; and
- Regional Plan: Water for Otago (operative as at 1 June 2015).

Amendments to the operative Regional Plan: Water for Otago as a result of Proposed Plan Change 5A are shown as follows: (additions underlined, deletions ~~struck-out~~).

Changes to the provisions of the operative Regional Plan: Water for Otago that are proposed under Plan Change 3C (Waiwera catchment minimum flow), Plan Change 4B (Groundwater allocation) and Plan Change 4C (Groundwater management: Cromwell Terrace Aquifer) are shown in this document in blue.

Any person may make comments on this consultation draft. You may do so by sending written comments to the Otago Regional Council, or by telephone.

Post to	Otago Regional Council Private Bag 1954 Dunedin 9054
Fax to	(03) 479 0015
Email to	policy@orc.govt.nz
Deliver to	Otago Regional Council

	70 Stafford Street Dunedin	William Fraser Building Dunorling Street Alexandra	The Station, First Floor Cnr Shotover and Camp Streets Queenstown
Telephone	(03) 474 0827; 0800 474 082		

Submissions will be received until 5pm on Friday 4 September 2015.

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* Regional Plan: Water for Otago operative as at 1 June 2015.

6

Water Quantity



6.1 to 6.3 *[Unchanged]*

6.4 Policies applying to the management of the taking of water

6.4.0 to 6.4.4 *[Unchanged]*

6.4.5 The minimum flows established by Policies 6.4.3, 6.4.4, 6.4.6, 6.4.9 and 6.4.10 will apply to resource consents for the taking of water, as follows:

- (a) In the case of new takes applied for after 28 February 1998, upon granting of the consent; and
- (b) In the case of any resource consent to take water from within the Taieri above Paerau and between Sutton and Outram, Welcome Creek, Shag, Kakanui, Water of Leith, Lake Hayes, Waitahuna, Trotters, Waianakarua, Pomahaka, Waiwera and Lake Tuakitoto catchment areas as defined in Schedule 2A, subject to the review of consent conditions under Sections 128 to 132 of the Resource Management Act; and
- (c) In the case of any existing resource consent to take water from the Lindis catchment area, Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and the Taieri catchment areas Paerau to Waipiata, Waipiata to Tiroiti and Tiroiti to Sutton, as defined in Schedule 2A, upon collective review of consent conditions within those catchments under Sections 128 to 132 of the Resource Management Act; and
- (d) In the case of any existing resource consent to take water within a catchment area not specified in Schedule 2A, upon the establishment of a minimum flow set for the water body by a plan change, subject to the review of consent conditions under Sections 128 to 132 of the Resource Management Act.

Explanation

This policy provides for the application of minimum flows to consents as follows:

1. New takes are subject to minimum flow provisions when the consent is granted.
2. For resource consents to take from rivers within catchments specified in Schedule 2A, except for the Lindis, Luggate, Manuherikia (upstream of Ophir) and the Taieri between Paerau and Sutton, the minimum flow provisions apply, subject to the review of consent conditions under Sections 128 to 132 of the RMA.
3. For the Lindis, Luggate, Manuherikia (upstream of Ophir) and the Taieri between Paerau and Sutton, the minimum flows will not apply until after a collective review of the consents in the catchments. This will occur before 2021 if there is agreement by the holders of mining

privileges (deemed permits) to adhere to the minimum flows, or on the expiry of the mining privileges on 2 October 2021. Where environmental benefit will result from applying minimum flows to any resource consents (other than deemed permits) in these catchments, the review of those resource consent conditions may also occur earlier.

4. For resource consents to take from rivers within catchments not specified in Schedule 2A, the minimum flow provisions will apply from the operative date of a plan change setting the minimum flow for the river, subject to the review of consent conditions under Sections 128 to 132 of the RMA.

Reviews under Section 128 of the Resource Management Act will be undertaken simultaneously on all reviewable takes within each catchment, in the interests of equity.

In the case of mining privileges in respect of water (deemed permits, see Appendix 2) the Resource Management Act provides for their continuation without restriction, unless compensation is made, until they expire in 2021.

However, arrangements for the conversion of such permits to resource consents may be developed before that time. Alternatively, arrangements for voluntary adherence by deemed permit holders to the minimum flows may occur. Under voluntary arrangements, or conversion of deemed permits to resource consents, or in 2021, these resource consents or deemed permits will become subject to the minimum flows established by this Plan.

The process of consent review must be completed by 2 October 2021, allowing coordination with the review of any deemed permits that may be operating in an area.

Principal reasons for adopting

This policy is adopted to enable the minimum flow provisions of the Plan to be applied as soon as practicable to existing resource consents to take water.

In the Lindis catchment area, Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and Taieri catchment areas between Paerau and Sutton, there is a very high proportion of mining privileges. Therefore the application of minimum flows to resource consents may be timed to coincide with their application to deemed permits (either through voluntary methods or in 2021). Where environmental benefit will result from applying minimum flows to any resource consents (other than deemed permits) in these catchments, the review of those resource consent conditions may also occur earlier.

In unscheduled catchments the minimum flows, once established and set by a plan change, will be applied to the reviewable consents in those catchments.

This will ensure that restricting water takes will result in actual environmental benefits.

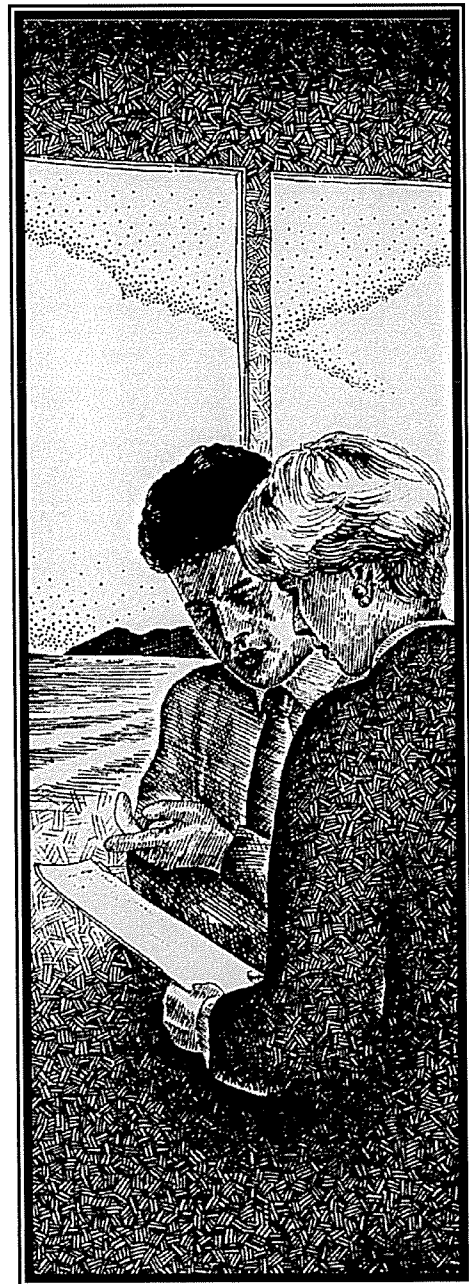
Rules: 12.1.4.2 to 12.1.5.1

Other methods: 15.9.1.3, 15.9.1.4

6.4.6 to 6.7.8 *[Unchanged]*

12

Rules: Water Take, Use and Management



12.0. [Unchanged]

12.1.1 to 12.1.3 [Unchanged]

12.1.4 Restricted discretionary activities: Resource consent required

12.1.4.1 to 12.1.4.3 [Unchanged]

12.1.4.4 Taking and use of surface water as primary allocation applied for prior to 28 February 1998 in the following Schedule 2A catchments, shown on the B-series maps:

Lindis Catchment,

Luggate Catchment,

Manuherikia Catchment Upstream of Ophir,

Taieri Catchment Paerau to Waipiata,

Taieri Catchment Waipiata to Tiroiti, and

Taieri Catchment Tiroiti to Sutton:

- (i) This rule applies to the taking of surface water, as primary allocation, in the above catchment areas, if the taking was the subject of a resource consent or other authority:
 - (a) Granted before 28 February 1998; or
 - (b) Granted after 28 February 1998, but was applied for prior to 28 February 1998; or
 - (c) Granted to replace a resource consent or authority of the kind referred to in paragraph (a) or (b).
- (ii) Unless covered by Rule 12.1.1A.1, the taking and use of surface water to which this rule applies is a **restricted discretionary** activity. The matters to which the Otago Regional Council has restricted the exercise of its discretion are set out in Rule 12.1.4.8.
- (iii) The minimum flows set out in Schedule 2A of this Plan for the above catchments shall affect the exercise of every resource consent or other authority, of the kind referred to in paragraph (i) of this rule, in the Lindis catchment area, Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and Taieri catchment areas Paerau to Waipiata, Waipiata to Tiroiti and Tiroiti to Sutton, upon review of consent conditions.
- (iv) The conditions of all such consents will be reviewed by the Otago Regional Council under Sections 128 to 132 of the Act to enable the minimum flows set by Schedule 2A to be met, the volume and rate of take to be measured in accordance with Policy 6.4.16 and the taking to be subject to Rule 12.1.4.9.

- (v) The minimum flows set in Schedule 2A for the Lindis catchment area, Luggate catchment area, Manuherikia catchment area (upstream of Ophir) and Taieri catchment areas Paerau to Waipiata, Waipiata to Tiroiti and Tiroiti to Sutton, shall not apply to any consents referred to in clause (i), paragraphs (a) to (c) of this rule until the review of consent conditions set out in clause (iv) of this rule occurs.

12.1.4.4A *[Repealed – 1 March 2012]*

12.1.4.5 to 12.1.4.9 *[Unchanged]*

12.1.5 to 12.1.6 *[Unchanged]*

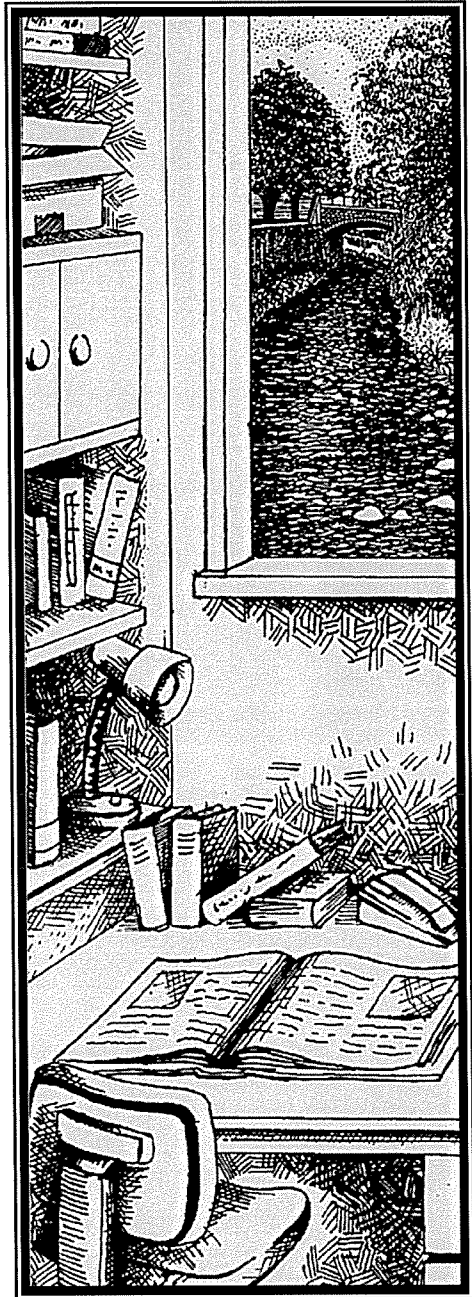
12.2 to 12.11 *[Unchanged]*

R U L E S : W A T E R T A K E , U S E A N D M A N A G E M E N T

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Schedules





SCHEDULE 2: SPECIFIED RESTRICTIONS ON THE EXERCISE OF PERMITS TO TAKE WATER

2A Schedule of specific minimum flows for primary allocation takes in accordance with Policy 6.4.3, and primary allocation limits in accordance with Policies 6.4.2(a) and 6.4.1A

The following schedule:

1. ...
2. ...
3. The catchments in which the limit set by Policy 6.4.2(a) is exceeded by Policy 6.4.2(b) (as at ~~20 December 2008~~ 8 August 2015) are the Kakanui, Lake Hayes, Lindis, Luggate, Manuherikia, Pomahaka, Shag and Taieri.

Catchment (See the B-series maps)	Monitoring Site (with MS number) See the B-series maps	Minimum flow (litres per second – instantaneous flow)	Primary Allocation Limits in accord with Policy 6.4.2(a) (litres per second – instantaneous flow)
...			
<u>Lindis River Catchment</u>	<u>Ardgour Road (MS 17)</u>	750 <u>1000</u> (1 October to 30 April) 1,600 (1 May to 30 September)	<u>1,000</u> <u>Lindis catchment from confluence with Clutha/Mata-Au to headwaters</u>

...

2B Schedule of supplementary allocation blocks and specific minimum flows in accordance with Policy 6.4.9(c)

Catchment (See the B-series maps) & Supplementary Block Number	Minimum Flow (litres per second – instantaneous flow) at the monitoring site(s) (See the B-series maps)	Supplementary Allocation Block (litres per second – instantaneous flow)
...		
<u>Lindis catchment (first supplementary allocation block)</u>	<u>May to November: 2200</u> <u>Ardgour Road (MS 17)</u>	500
	<u>December to April: 1600</u> <u>Ardgour Road (MS 17)</u>	500
<u>Lindis catchment (second supplementary allocation block)</u>	<u>May to November: 2700</u> <u>Ardgour Road (MS 17)</u>	500
	<u>December to April: 2100</u> <u>Ardgour Road (MS 17)</u>	500

...

SCHEDULE 2: SPECIFIED RESTRICTIONS ON THE EXERCISE OF
PERMITS TO TAKE WATER

SCHEDULE 2: SPECIFIED RESTRICTIONS ON THE EXERCISE OF PERMITS TO TAKE WATER

2C Schedule of aquifers where groundwater takes are to be considered as primary allocation, and subject to minimum flows of specified catchments in accordance with Policy 6.4.1A

Aquifer Name	Map Reference	Catchment to which primary or supplementary allocation limits apply, and minimum flows may apply*
Kakanui-Kauru Alluvium Aquifer	C17 & C18	Kakanui catchment*
Shag Alluvium Aquifer	C19	Shag catchment*
Lindis Alluvial Ribbon Aquifer	C5 & C6	Lindis catchment*‡
Cardrona Alluvial Ribbon Aquifer	C2 & C3	Cardrona catchment upstream of the Mount Barker recorder site**
Lowburn Alluvial Ribbon Aquifer	C7	Lowburn Stream**
Pomahaka Alluvial Ribbon Aquifer	C22 & C23	Pomahaka catchment*

* as given in Schedules 2A and 2B.

** as provided for by Policies 6.4.2, 6.4.3 and 6.4.9.

SCHEDULE 4: SPECIFIED RESTRICTIONS ON THE EXERCISE OF PERMITS TO TAKE GROUNDWATER

4. Schedule of the allocation and restriction regime for groundwater

This schedule sets out restrictions that apply to the taking of groundwater from certain aquifers in Otago.

Schedule 4A identifies maximum allocation limits for the taking of groundwater from aquifers identified in the C-series maps, in accordance with Policy 6.4.10A2 of this Plan. Schedule 4B.1 identifies water levels at which the taking of groundwater will be restricted in accordance with Policy 6.4.10A1 of this Plan. Schedule 4C identifies matters to be considered when making additions to these schedules through a plan change.

4A Maximum allocation limits for groundwater takes from aquifers

Aquifer Name	Map Reference	Maximum Allocation Limit (million cubic metres per year)
<u>Ardgour Valley Aquifer</u>	<u>C6</u>	<u>0.19</u>
<u>Bendigo Aquifer</u>	<u>C6</u>	<u>29</u>
Cromwell Terrace Aquifer	C7	4
<u>Lower Tarras Aquifer</u>	<u>C5 & C6</u>	<u>18.8</u>
North Otago Volcanic Aquifer	C15, C16, C17 & C18	7

4B Restrictions for groundwater takes

4B.1 *[Unchanged]*

4B.2 Restrictions for aquifers connected to Lake Dunstan or the main stem of the upper Clutha River/Mata-Au

Takes from aquifers that are hydraulically connected to Lake Dunstan or the main stem of the Clutha River/Mata-Au above Lake Dunstan are subject to the following restrictions, which are intended to maintain lake levels.

Aquifer Name	Map Reference	Restriction
<u>Bendigo Aquifer</u>	<u>C6</u>	<u>There shall be no take for irrigation purposes between 1 May and 31 August inclusive.</u> <u>Other restrictions may be imposed on resource consents to help maintain lake levels.</u>
Cromwell Terrace Aquifer	C7	
<u>Lower Tarras Aquifer</u>	<u>C5 & C6</u>	

Table of minor and consequential changes

Plan Provision	Detail of proposed change								
Page numbers	Update page numbers.								
Footers	Change footer to read " <u>Regional Plan: Water for Otago (Updated to <date to be inserted>)</u> ".								
Title page	Change the date to read " <u>Updated to <date to be inserted></u> ".								
ISBN number	Obtain new ISBN numbers for Regional Plan: Water for Otago.								
Chronicle of key events	<p>Add the following to the end of table:</p> <table border="1"> <thead> <tr> <th>Key event</th> <th>Date notified</th> <th>Date decisions released</th> <th>Date operative</th> </tr> </thead> <tbody> <tr> <td><u>Plan Change 5A (Lindis: Integrated water management) to the Regional Plan: Water</u></td> <td>8 August 2015</td> <td><Date to be inserted></td> <td><Date to be inserted></td> </tr> </tbody> </table>	Key event	Date notified	Date decisions released	Date operative	<u>Plan Change 5A (Lindis: Integrated water management) to the Regional Plan: Water</u>	8 August 2015	<Date to be inserted>	<Date to be inserted>
Key event	Date notified	Date decisions released	Date operative						
<u>Plan Change 5A (Lindis: Integrated water management) to the Regional Plan: Water</u>	8 August 2015	<Date to be inserted>	<Date to be inserted>						
section 1.4	<u>Proposed Plan Change 5A (Lindis: Integrated water management) sets minimum flows and allocation limits for the Lindis River and sets maximum allocation limits for the Ardgour Valley, Bendigo and Lower Tarras aquifers. It was notified on 8 August 2015, and a total of ... submissions and ... further submissions were received. Following the hearing, decisions on submissions received were released on Plan Change 5A was made operative on</u>								
Schedule 2A	<p>Amend Schedule 2A as follows to provide greater consistency:</p> <ul style="list-style-type: none"> • List the catchments in alphabetical order • Include the names of the flow monitoring sites as shown on the B-series of the Water Plan Maps. 								
Schedule 2B	<p>Amend Schedule 2B as follows to provide greater consistency:</p> <ul style="list-style-type: none"> • List the catchments in alphabetical order • Include the names of the flow monitoring sites as shown on the B-series of the Water Plan Maps. 								

M I N O R A N D C O N S E Q U E N T I A L C H A N G E S

Plan Provision	Detail of proposed change
Water Plan Maps	Amend "Map B Index – Minimum Flow Catchment Boundaries and Monitoring Sites" to include the new Maps B6 and B7.
	Amend "Map C Index – Aquifers, ..." to include the new Maps C5 and C6 Update references in title to all Map C series, including reference to Schedule 4.

MINOR AND CONSEQUENTIAL CHANGES

Proposed Plan Change 5A (Lindis: Integrated water management) 17

to the Regional Plan: Water for Otago

8 August 2015

Regional Plan: Water for Otago

Maps

55



HIGH COUNTRY

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Submission on Proposed Plan Change 5A (Lindis: Integrated Water Management) to the Regional Plan: Water for Otago

(Form 5, Clause 6 of the First Schedule, Resource Management Act 1991)

Name of Submitter: Federated Farmers High Country

Contact: Bob Douglas
FFNZ Regional Policy Advisor (High Country)
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email bdouglas@fedfarm.org.nz

1. Background

Federated Farmers High Country (FFHC) is an Industry Group within the Federated Farmers N Z structure. We have in excess of 430 members, the vast majority of whom are landholders in the South Island High Country. Approximately one quarter of these live in the Otago Region, many of them on properties owned by their families for a number of generations. Our members take pride in their environmental stewardship in an iconic region of New Zealand and readily accept their responsibility to treat the land responsibly, ensuring its values are retained for the benefit of future generations.

This submission fully supports the remedies requested in the submission made by Federated Farmers of New Zealand (FFNZ). It is being made at the request of our members based in the area, whose businesses will be directly affected by the proposed Plan Change, to give added emphasis to some of the points alluded to in the FFNZ submission.

We thank the Otago Regional Council (ORC) for the opportunity to contribute to the discussion on the future of an important aspect of environmental management in the Region.

2. Submission

Our submission refers to

- the recommended management regime for the taking of surface water (Option 3 – Flow continuity - species migration)
- the rationale given in the Section 32 evaluation for the proposed adoption of this regime.

The Section 32 evaluation is blatantly inadequate in many areas, offering some unsupported data to rationalise what appears to be a pre-conceived decision in adopting option 3 in the taking of surface water.

3. Decision Requested.

That the Otago Regional Council, in reviewing its water plan in relation to the taking of surface water in the Lindis area (proposed plan change 5A)

- i) adopt option 2 (Flows at existing Ardgour monitoring site) AND
- ii) enter meaningful and constructive negotiation with affected landholders and other stakeholders to formulate a policy as to how this can be best effected, bearing in mind, and clearly evaluating, the effects that any management regime will have on the community, the economy and the environment. (note that a number of options suitable for consideration here is included in the submission from FFNZ) AND
- iii) extend the policy completion date to 31 December 2030 so that all factors can be fully analysed and introduced to the optimum effect.

4. Reasons for Decision Requested.

4.1 When detailing Councils' obligations in relation to completion of an evaluation under Section 32 of the Resource Management Act (RMA), the reference paper *A guide to the National Policy Statement for Freshwater Management 2014* states that the evaluation "should be fully integrated into the decision making ... and should not be seen as merely a reporting requirement."

4.2 Further requirements of the analysis, in order to achieve the transparent robust decision making required by the RMA are that:

- new proposals ... must be examined for their appropriateness in achieving the purpose of the RMA
- the benefits costs and risks of new policies and rules on the community, the economy and the environment need to be clearly identified and assessed
- the analysis must be documented so stakeholders and decision-makers can understand the rationale for policy choices.

4.3 We believe that the Section 32 evaluation for proposed plan change 5A fails to meet several of these requirements, particularly in relation to the cost/benefit analysis (CBA) at 5.1.2. Many of the points raised are unsubstantiated, others are irrelevant. Lack of robust data to support claims made in the CBA give the distinct impression that this Section 32 report has, indeed, been approached with the view that it is "merely a reporting requirement" (i.e. does not comply with 4.1 above). Data appears to have

been stacked to support a predetermined decision, rather than used scientifically to reach a logical decision.

- 4.4 These issues are poorly addressed at section 6 of the analysis which, again, comprises statements guided more by opinion than substantiated data. Our own analysis of some of the shortcomings in the overall analysis is addressed in the following paragraphs 4.5.1 to 4.5.16.
- 4.5.1 Generally, we have little argument with sections 3 (Description) and 4 (Values) of the Lindis in the section 32 evaluation. We do, however, question the value of the final sentence under “Water quality and stream health” in section 4. It would have been appropriate to quantify the number of “Concerns” that have been raised and on what basis. The use of the word “risk” also suggests that this is not an issue under the existing regime.
- 4.5.2 FFHC accepts that the status quo is unsustainable. The NPS requires Council to address over-allocation (Policy B6) and this can only be achieved through the implementation of some greater level of control.
- 4.5.3 In determining the extent of the restriction Council has legal obligation to consider, in depth, those matters described in the second bullet point at 4.2 above. We do not believe that this obligation has been met in either the case of the economy or the community, which relies on a healthy economy – particularly in relation to “clear assessment”
- 4.5.4 The single economic benefit claimed under options 2 to 4 is irrelevant insofar as it is not a benefit caused by applying the corresponding option. It is an ongoing situation whereby land managers are continually seeking to improve the efficiency of the techniques used in primary production.
- 4.5.5 The ultimate effect of the economic costs has not been clearly identified or fully assessed. Unsubstantiated data has been used to give the impression of a minor adverse effect by applying a (seemingly low) figure to gross margins. The real effect, however, is better shown by applying the effect to the net return. Based on the 2014-2015 Beef and Lamb NZ (BLNZ) monitor figures for sheep and beef farms in the area, the claimed 3% reduction in gross margin would result in a 8.5% reduction in pre tax profit. The claimed 5% reduction in gross margin would result in a 14.25% reduction in pre tax profit.
- 4.5.6 In evaluating the economic effects on the pre-tax profit, as described in 4.5.5, it must be remembered that these are minimum figures and would apply on an ongoing basis. Whilst variations to this extent are not unknown in the primary production sector, the cumulative effect of a permanent reduction of around 14% p.a is clearly unsustainable. The fact that both options 3 and 4 may jeopardise the viability of a number of local businesses should have been included under the economic costs/risks in both these options and should have been factored into the evaluation.
- 4.5.7 Several references are made to “efficient irrigation” in the Section 32 evaluation report. These are variously applied to the options being assessed as being a benefit or a cost. However, nowhere in the report (or in Plan Change 5A) is the term “efficient irrigation” explained. The implication is that systems currently applied are inefficient but, once again, no information is provided to justify this implication. Consequently neither assessment is indisputable so neither is acceptable as an evaluation point.
- 4.5.8 FFHC disputes any implication that the installation of “inefficient” irrigation systems is widespread. The installation of any irrigation system is a major item of capital expenditure. Therefore, it makes economic sense that when options are being

considered, the most efficient available for prevailing conditions at the time of installation will be selected.

- 4.5.9 As stated at 4.5.4 land managers are continually seeking to improve the efficiency of the techniques used in primary production. This can result in a technique that is the most efficient available at the time of installation becoming less efficient in comparison with a later development.
- 4.5.10 Most irrigation systems are long-lived and this is a factor taken into consideration when evaluating the return from the investment over its lifetime. Shortening this lifetime or reducing its operational performance is inefficiency in itself.
- 4.5.11 In view of the foregoing, an economic benefit should be inserted at option 2 that it supports the efficient working of an expensive irrigation system. In some cases these systems were installed under the impression that this would be the preferred option during discussion with ORC.
- 4.5.12 Not using the (irrigation) system to the optimum is inefficient. Consequently an economic cost should be added at option 3 that it would result in an under-optimum use of a high cost investment – one made in part on information provided by ORC.
- 4.5.13 We agree that “Group management approaches towards water taking and use offer more benefits when water is short” but, as with the listed economic benefits described at 4.5.4, question whether this is a valid (social) benefit for inclusion under a specific option. Increasingly, water users are recognising the value in having a holistic approach to water management and are forming user groups that operate a flexible system within an identified limit.
- 4.5.14 We see some conflict between the options 3 and 4 benefits of providing unimpeded access and more favourable habitat for fish (trout) and protecting native fish (which include the nationally critical Clutha flathead galaxid and the longfin eel). Flow increases, as proposed, will cause a significant increase in the incidence of trout, a widely recognised predator of native fish, along the length of the river. Notwithstanding the “expectation” at section 6, we do not believe that this can be claimed as being an unqualified benefit.
- 4.5.15 In addition to the questionable advantage of improving trout access described in 4.5.14 above, the extent of the danger posed to trout under ecosystem risks at options 1 and 2 has not been quantified. Is it sufficient to be of major significance?
- 4.5.16 Ecosystem benefit for wading birds under option 3 is only “possible”. Again this needs to be quantified if it is to be of any serious consideration
- 4.6 FFHC submits that systemic failure in structuring the Section 32 analysis provides for considerable doubt about the resultant recommendation. The foregoing 16 points in this submission cast doubt on the validity of 5 points listed as benefits in option 3 and seriously question whether the economic costs have been adequately addressed. At the same time, while also questioning two of the benefits listed under option 2, they identify a further economic benefit for that option. This changes the balance of the evaluation towards option 2 being the optimum choice.
- 4.7 As stated at 4.5.2 FFHC accepts that some change to the existing regime is required. The present situation has arisen through a combination of use of long standing water rights by landholders and action or inaction by decision-makers (past and present). It will be the landholders who are expected to carry the brunt of these changes, but, as a partial contributor to the problem, decision makers have a moral responsibility to alleviate the burdens of any change as far as it is within their power.

- 4.8 Compounding the situation is the fact that many landholders have made major financial decisions based on information given by Council over a prolonged period during the initial consultation process. While we agree that the statement in relation to consultation under section 4 (Values) is technically accurate, we challenge the implication that this was a constructive process that culminated in the final recommendation. Constructive consultation did, indeed, take place from 2009-2014 during which ORC gave every indication that any new regime would be similar to option 2 as described in the Section 32 evaluation. Landowners accepted that some changes along these lines were desirable for the ongoing benefit of all river users and many made long-term business decisions and investments based on the information provided (e.g. irrigation systems with a “shelf life” of 15-20 years plus). Many landholders would reject the suggestion that the meetings in 2015 could be described as “consultation”.
- 4.9 Current mining privileges (deemed permits) in the Lindis area expire in October 2021. The NPS provides for variations to these to be made from that date, unless prior agreement is reached between the Council and the permit holders. The NPS also provides for a progressive implementation programme whereby the (Regional Freshwater Management) policy is to be fully completed by 31 December 2025 or 31 December 2030 if “meeting that date (31/12/25) would result in lower quality planning.”
- 4.10 FFHC submits that ORC should apply a completion date of 31/12/30 on the grounds that any earlier date would result in lower quality planning insofar as it would lead to inefficient irrigation systems as described in para. 4.5.7 to 4.5.11 above. This date would also lessen the severe economic impact that the revised regime will have on many primary production businesses in the region and alleviate any adverse financial effect alluded to at 4.8 above.
- 4.11 We further recommend that ORC re-enter discussions with stakeholders to evaluate options raised in the FFNZ submission. The abrupt ending of consultation by ORC in 2015 when reversing its long held preference for option 2 precluded any chance of achieving a proposal acceptable to the wider community. The FFNZ submission offers several options that would contribute to a more robust solution.

We do wish to be heard in support of this submission.

If others make a similar submission we **will not** consider presenting jointly with them at a hearing.

Federated Farmers High Country could not gain an advantage in trade competition through this submission.

Chas Todhunter
(Chairman)

3/9/15

Submission Ends.



McKeague
Consultancy Ltd



Lindis Catchment Group Inc

Submission to Otago Regional Council on Proposed Plan Change 5A

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: **Lindis Catchment Group Inc**

Contact person: Sally Dicey
Consultant Environmental Planner, McKeague Consultancy Ltd
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Address for service: PO Box 1320, Dunedin 9054

This is a submission on the following proposed plan change – Plan Change 5A (Lindis: Integrated Water Management) to the Regional Plan: Water for Otago.

We could not gain an advantage in trade competition through this submission.

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.

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
1	<p>Provisions NOT included in PPC5A</p> <p>Oppose and want PPC5A amended</p>	<p>Inclusion of a package of provisions and amendments to existing provisions that:</p> <ol style="list-style-type: none"> a. provide an effective and appropriate transition period and process for replacing deemed permits and water permits b. delay the imposition of the minimum flow regime c. provide a holistic approach to river management specifically tailored to the Lindis catchment 	<p>1. Matters omitted from PPC5A</p> <p>The Proposed Plan Change 5A (PPC5A) fails to:</p> <ol style="list-style-type: none"> a) include provisions that will allow for an effective and appropriate transition from deemed permits and existing water permits, changes to points of take that facilitate better management during times of low flow and optimise investment in new head works infrastructure, changing the source of water, changes to irrigation and conveyance technology, and changes necessitated in farm management due to changed water availability and variability. b) specify that the minimum flow will only be imposed on water takes after a fair and reasonable transition period to fully implement conditions on new water permits (i.e. permits issued after 8 August 2015 and applied for prior to October 2021) c) provide a holistic approach to river management specifically targeted for the Lindis Catchment including implementing a low flow regime reflecting sound consideration of river channel dynamics, river flow dynamics, and core values of the Lindis Catchment. <p>The complexity of change facing irrigators in the Lindis Catchment is unprecedented in Otago and New Zealand and will take significant time, commitment, and investment to complete. Key elements of the complexity are:</p> <ol style="list-style-type: none"> i. changes to the availability and variability of river water and linked groundwater resources due to PPC5A; ii. commitments to improved efficiency of water use that are predicated on economic use of the altered availability of water; iii. exiting an existing community irrigation scheme and replacing it with multiple

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			<p>independent systems;</p> <ul style="list-style-type: none"> iv. closing most open gravity race water conveyance and establishing multiple pumped water extraction and conveyance systems; v. individually assessing the opportunities, costs and practicality of changing water take points and/or water sources by each existing water using enterprise in the catchment; vi. securing infrastructure supply and services to support preferred enterprise options; and vii. securing banker backing for the long term investments demanded of the entirety of the change for each enterprise. <p>The Otago Fish and Game Council and the Lindis Catchment Group have had significant discussion on the complexity of the changes and have previously given the Otago Regional Council (ORC) an indicative solution to the above omissions for inclusion in the notified PPC5A in the spirit of jointly seeking practical improvement to the low flow management of the Lindis Catchment. The offered solution, and any adaptation, was rejected by the ORC and was not considered as an option, or as part of any option in the section 32 report.</p> <p>2. Transition package</p> <p>The PPC5A fails to provide an effective transition package, including by failing to provide a fair and reasonable transition period and process.</p> <p>Irrigators are required to make substantial changes to replace their deemed permits and water permits under the Resource Management Act (RMA) and the existing provisions of the ORC's Regional Plan: Water for Otago (RPW), including increasing their efficiency of use. This will require significant changes to and investment in, irrigation systems. Irrigators will also need to adjust to the minimum flow regime, primary allocation limit, changed point(s) of take, new head works and systems for water extraction and conveyance and potentially transferring water takes through new water permits to an alternative water source.</p>

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
			<p>PPC5A needs to include a package of provisions that recognises and reduces the complexity and challenges of all of these changes and minimises the adverse effects of these changes on irrigators and promotes balanced betterment to the core values of the Lindis Catchment water.</p> <p>3. Holistic river management regime</p> <p>PPC5A fails to provide a holistic and robust river management regime which will enable effective management of in-stream low flow conditions.</p> <p>The ORC is relying on existing generic provisions of the RPW to manage the Lindis catchment during low flows. However, existing generic provisions have either been ineffective or have not been utilised to effectively manage low flow conditions in dynamic catchments such as the Lindis.</p> <p>A much more integrated and holistic approach is required for dynamic low flow environments such as the Lindis catchment. In addition to a minimum flow regime and primary allocation limit, PPC5A needs to provide tools specifically focused on managing low flows within an alluvial river system in a reliable and timely manner.</p> <p>4. Failure to achieve purpose of RMA and objectives of ORC Regional Policy Statements and Plans and is inconsistent with NPSFM</p> <p>Based on the reasons outlined above, the omissions from PPC5A means it will not:</p>

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
			<p>a) achieve the purpose of the RMA</p> <p>b) achieve the objectives and policies of the Regional Policy Statement, Proposed Regional Policy Statement and the RPW. This includes, but is not limited to, the following objectives:</p> <ul style="list-style-type: none"> i. <i>Regional Policy Statement - Objective 6.4.1</i> ii. <i>Proposed RPS - Objective 4.4</i> iii. <i>Regional Plan: Water for Otago - Objectives 5.3.4, 5.3.6 6.3.1, and 6.3.2</i> <p>c) be consistent with the National Policy Statement for Freshwater Management 2014 (NPSFM)</p> <p>5. Section 32 evaluation</p> <p>The evaluation of the proposed plan change was not carried out in accordance with section 32 of the RMA, including, but not limited to, a failure to accurately assess the efficiency and effectiveness of the provisions in achieving the objectives of the RPW, including the objectives outlined above.</p> <p>The section 32 report failed to identify and assess options for:</p> <ul style="list-style-type: none"> a) an effective transition period and process, b) a range of potential river management options <p>even though these were presented to the ORC by stakeholders prior to notification of PPC5A.</p> <p>6. Amendment sought</p> <p>LCG request the development of a transition package including policies and rules to create a clear process, and appropriate timeframes, for an effective transition to new water permits with conditions imposing a minimum flow regime and new primary allocation limit.</p> <p>LCG seek the inclusion of a range of river management options which, in combination with the provisions (including the minimum flow regime) proposed by LCG, would maintain and enhance the values associated with the Lindis River.</p>

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
			<p>7. Longer timeframes consistent with National Policy Statement for Freshwater Management 2014</p> <p>The inclusion of longer timeframes for any transition to occur, as requested, is consistent with the NPSFM. For example page 4 of the preamble to the NPSFM includes the following statements: <i>“Where changes in community behaviours are required, adjustment timeframes should be decided based on the economic effects that result from the speed of change.”</i> and <i>“Where water resources are over-allocated (in terms of quality and quantity) to the point that national and local values are not met, we also need to ensure that over-allocation is reduced over agreed timeframes.”</i></p>
2	<p>Policy 6.4.5</p> <p>Oppose and want Policy 6.4.5 amended.</p> <p>Oppose also on the basis that it is linked to the proposed change in Schedule 2A.</p> <p>Want Schedule 2A amended.</p>	<p>Amend policy 6.4.5 so that implementation of minimum flow on Lindis River will not occur before October 2026.</p> <p>Amend Schedule 2A as outlined below.</p>	<p>1. Lack of a feasible transition period</p> <p>Inserting the Lindis catchment into this existing policy will result in a lack of a feasible timeframe and clear process for irrigators to transition to new permits with conditions imposing a minimum flow regime and a new primary allocation limit. Included in this process is the establishment of new intake structures, conveyance systems and the potential requirement for irrigators to shift water rights to an alternative source.</p> <p>Irrigators are required to make substantial changes to replace their deemed permits or water permits under the RMA and the existing provisions of the ORC's RPW, including increasing their efficiency of use. This will require significant changes to and investment in, irrigation systems both on and off farm. The existing irrigation scheme servicing most water users will be replaced with totally new distribution systems to convey water.</p> <p>The lack of a feasible transition period and process, as proposed by (or missing from) the PPC5A,</p>

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
			<p>does not recognise the complexity and challenges of all of these changes and the significant economic effects on irrigators that will result from these changes, whether as proposed by the ORC or as proposed by this submission.</p> <p>2. Failure to achieve purpose of RMA and objectives of ORC Regional Policy Statements and Plans and is inconsistent with the NPSFM</p> <p>Based on the reasons outlined in (1) above, the proposed change to Policy 6.4.5 will not:</p> <ul style="list-style-type: none"> a) achieve the purpose of the RMA, including because people and communities will not be able to provide for their social and economic well-being without a feasible transition period. b) achieve the objectives and policies of the Regional Policy Statement, Proposed Regional Policy Statement and the RPW. This includes, but is not limited to, the following objectives: <ul style="list-style-type: none"> iv. <i>Regional Policy Statement - Objective 6.4.1</i> v. <i>Proposed RPS - Objective 4.4</i> vi. <i>Regional Plan: Water for Otago - Objectives 5.3.6 and 6.3.2</i> c) be consistent with the NPSFM. <p>3. Section 32 evaluation</p> <p>The evaluation of the proposed plan change was not carried out in accordance with section 32 of the RMA, including, but not limited to a failure to:</p> <ul style="list-style-type: none"> a) Accurately and fully assess the efficiency and effectiveness of the provisions in achieving the objectives of the RPW, including the objectives outlined above. b) Accurately and fully assess the costs and benefits of the provisions on business and the community. <p>4. Amendment sought – minimum flow implementation no earlier than October 2026</p>

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
			<p>LCG propose an implementation date of no earlier than October 2026 for the minimum flow and primary allocation regime. This would enable irrigators to replace deemed permits and water permits, change their system's and comply with a minimum flow regime in a coordinated, realistic and achievable manner. It would allow a range of other river management options and changes to irrigation systems to be considered and implemented which would maintain and enhance the values associated with the Lindis River.</p> <p>5. Longer timeframes consistent with National Policy Statement for Freshwater Management 2014</p> <p>The inclusion of longer timeframes, as requested, is consistent with the National Policy Statement for Freshwater Management 2014 (NPSFM). For example page 4 of the preamble to the NPSFM includes the following statements: <i>"Where changes in community behaviours are required, adjustment timeframes should be decided based on the economic effects that result from the speed of change."</i> and <i>"Where water resources are over-allocated (in terms of quality and quantity) to the point that national and local values are not met, we also need to ensure that over-allocation is reduced over agreed timeframes."</i></p> <p>These statements are particularly relevant when interpreting and applying Objective B2 of the NPSFM: <i>"To avoid any further over-allocation of fresh water and phase out existing over-allocation."</i></p>
3	<p>Rule 12.1.4</p> <p>Oppose in so far as it is linked to Schedule 2A and Maps B4</p>	<p>Amend Maps B4 and B7 to include all of the true geographic area of the Lindis Catchment and</p>	<p>1. Taking and Use in combination with Maps B4 and B7</p> <p>This rule is linked to Schedule 2A and the B-series maps which identify the Lindis Catchment. Part of the true geographic area of the Lindis Catchment is excluded from these maps (the Tarras Creek sub-catchment).</p>

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	<p>and B7</p> <p>Want Maps B4 and B7 amended.</p>	<p>retain the proposed changes to this rule.</p>	<p>The effect of this mapping, in combination with this rule, means that irrigators who take water from within the mapped catchment area shown on maps B4 and B7 may not then 'use' it in the excluded area pursuant to this rule, as this rule refers to 'taking and use' – in effect irrigators would be treated as 'taking' from one catchment (that mapped as the Lindis catchment in B4 and B7), and 'using' in another catchment (the Tarras Creek sub-catchment).</p> <p>Such an activity does not clearly sit within existing Rule 12.1.4.5, as this relates to 'taking and use' within a catchment.</p> <p>This creates uncertainty and unnecessary complexity for applicants wanting to take and/or use water in the Tarras Creek area, as they may be treated differently from other users with existing primary allocation water rights from the Lindis catchment, without sufficient justification.</p> <p>2. Failure to achieve purpose of RMA and objectives of ORC Regional Policy Statements and Plans and is inconsistent with NPSFM</p> <p>Based on the implications of the proposed change to Rule 12.1.4.4, (when combined with the proposed maps in B4 and B7, as outlined in (1) above), the proposed change to Rule 12.1.4.4 will not:</p> <ul style="list-style-type: none"> a) achieve the purpose of the RMA, including because people and communities will not be able to provide for their social and economic well-being. b) achieve the objectives and policies of the Regional Policy Statement, Proposed Regional Policy Statement and the RPW. This includes, but is not limited to, the following objectives and supporting policies: <ul style="list-style-type: none"> i. Regional Policy Statement - Objective 6.4.1 ii. Proposed RPS - Objective 4.4

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			<p>iii. <i>Regional Plan: Water for Otago - Objectives 5.3.6, 6.3.2, 6.3.3, Policies 6.4.0, 6.4.0B, 6.4.0C</i></p> <p>c) be consistent with the NPSFM.</p> <p>3. Section 32 evaluation</p> <p>The evaluation of the proposed change to Rule 12.1.4.4 (in combination with proposed maps B4 and B7) was not carried out in accordance with section 32 of the RMA, including, but not limited to a failure to:</p> <ol style="list-style-type: none"> accurately and fully assess the efficiency and effectiveness of the provisions in achieving the objectives of the RPW, including the objectives outlined above. accurately and fully assess the costs and benefits of the provisions on business and the community.
4	<p>Schedule 2A (3) – specific minimum flows for primary allocation takes</p> <p>Monitoring site at Ardgour Rd Support</p>	<p>Retain this.</p>	<p>This is the most effective monitoring site for a minimum flow and is supported on this basis.</p>
5	<p>Schedule 2A (3) – specific minimum flows for primary allocation takes</p> <p>Minimum flow of 750 L/s (1 October to 31 May)</p> <p>Oppose and want amended.</p>	<p>Amend to a minimum flow of 450 L/s (1 October to 31 May) with an implementation date of 2026</p> <p>AND</p> <p>Provisions that interlink the</p>	<p>1. Effects of Proposed Minimum flow of 750 L/s</p> <p>Irrigators who will be subject to the proposed minimum flow would be significantly adversely affected socially and economically as a result of factors including:</p> <ol style="list-style-type: none"> reduced water availability; reduced reliability of supply; and resultant challenges for all decisions about farming operations, including investment in more efficient irrigation systems. <p>As a result, the community connected to the Lindis catchment area would also be significantly</p>

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		<p>minimum flow effectively with the new primary allocation limit so that these tools can work as an integrated package.</p>	<p>adversely affected socially and economically.</p> <p>Flows in the Lindis River currently get as low as approximately 200L/sec at the Ardgour Road monitoring site.</p> <p>2. Failure to achieve purpose of RMA, and objectives of ORC Regional Policy Statements and Plans and is inconsistent with the NPSFM</p> <p>Based on the reasons outlined in (1) above, the proposed minimum flow of 750 L/s (1 Oct to 31 May) will not:</p> <ul style="list-style-type: none"> a) achieve the purpose of the RMA, including by not enabling people and communities to provide for their social and economic well-being. b) Achieve the objectives and policies of the Regional Policy Statement, Proposed Regional Policy Statement and the RPW. This includes, but is not limited to, the following objectives and related policies: <ul style="list-style-type: none"> i. <i>Regional Policy Statement - Objective 6.4.1</i> ii. <i>Proposed RPS - Objective 4.4</i> iii. <i>Regional Plan: Water for Otago - Objectives 5.3.6, 6.3.2</i> c) be consistent with the NPSFM, including Objective B3. <p>3. Section 32 evaluation</p> <p>The evaluation of the proposed plan change was not carried out in accordance with section 32 of the RMA, including, but not limited to, a failure to accurately assess the efficiency and effectiveness of the provisions in achieving the objectives of the RPW, including the objectives outlined above.</p> <p>In addition the section 32 analysis of the proposed minimum flow:</p> <ul style="list-style-type: none"> a. failed to accurately and effectively identify or assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the

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			<p>implementation of the provisions, including the proposed minimum flow of 750 L/s, including the opportunities for</p> <ul style="list-style-type: none"> i. economic growth that are anticipated to be reduced; and ii. employment that are anticipated to be reduced <p>b. failed to accurately and effectively assess the economic impact of the proposed minimum flow, including on the economic viability of farming in the Lindis catchment and associated economic impacts</p> <p>c. failed to identify and assess how the minimum flow is linked to the new primary allocation limit, and therefore failed to integrate these tools so that they work together as an effective package</p> <p>d. failed to accurately and effectively assess other options, including the:</p> <ul style="list-style-type: none"> i. ability of a minimum flow of 450 L/s (either in isolation or in combination with a range of other river management options) to protect natural values, including: intrinsic values; in-stream eco-system health; natural character and amenity of waterways; and the values and beliefs held by iwi, in accordance with: <ul style="list-style-type: none"> 1. Part 2 of the RMA 2. The National Policy Statement for Freshwater Management 2014 3. The ORC's Regional Policy Statement, Proposed Regional Policy Statement and RPW. ii. significant improvement that a minimum flow of 450 L/s would have on values associated with the Lindis catchment when compared to the status quo. <p>4. Inconsistent with National Policy Statement for Freshwater Management</p> <p>The proposed plan change is inconsistent with the NPSFM including because:</p> <ul style="list-style-type: none"> a) it does not maximise the efficient allocation and use of water (Objective B3); b) it does not recognise and take into account the implications for resource users, people and

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
			<p>communities arising from setting a minimum flow limit including implications for actions, investments, ongoing management changes and any social, cultural or economic implications.</p> <p>The NPSFM requires limit setting and decision making about freshwater management to be based on sound information. For example, page 4 of the preamble states:</p> <p><i>“Setting enforceable quality and quantity limits is a key purpose of this national policy statement. ... The process for setting limits should be informed by the best available information and scientific and socio-economic knowledge.”</i></p> <p>As outlined above in relation to the section 32 evaluation, the proposed setting of limits (including the proposed minimum flow) has not been informed by the best available information and scientific and socio-economic knowledge.</p> <p>5. The amendment sought - a lower minimum flow</p> <p>The amendment sought (setting a minimum flow of 450 L/s in Schedule 2A from 1 Oct to 31 May with an implementation date of no earlier than 2026) could enable people and communities to provide for their social and economic well-being while also:</p> <ul style="list-style-type: none"> a) achieving all other aspects of the purpose of the RMA (as contained in section 5) and recognising and providing for matters of national importance as outlined in section 6 of RMA and other matters as listed in section 7 of the RMA b) meeting the objectives and policies of the NPSFM, including objectives and policies focused on efficiency of use and maintenance and enhancement of natural values, natural character and iwi values. c) meeting the objectives and policies of the ORC’s Regional Policy Statement, Proposed

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
			<p>Regional Policy Statement and RPW, including objectives and policies focused on efficiency of use and maintenance and enhancement of natural values, natural character and iwi values</p> <p>d) representing a significant improvement to the maintenance and enhancement of values associated with the Lindis when compared to the status quo.</p> <p>To assist with achieving and meeting the matters outlined in 5(a) to (c) above, LCG recommend a holistic river management regime is adopted.</p> <p>Options to be considered in this regime were presented to the ORC prior to notification of PPC5A but were not included in the section 32 report in relation to any of the options.</p> <p>The winter minimum flows are appropriate.</p>
6	<p>Schedule 2A (3) – specific minimum flows for primary allocation takes</p> <p>Minimum flow of 1,600 L/s (1 June to 30 September)</p> <p>Support</p>	<p>Retain as proposed.</p>	
7	<p>Schedule 2A (3) – specific minimum flows for primary allocation takes</p> <p>Primary allocation limit of 1,000 L/s Lindis catchment from confluence with Clutha/Mata-au to headwaters.</p> <p>Oppose and want amended</p>	<p>Amend to a primary allocation limit of 1500 L/s.</p> <p>AND</p> <p>Inclusion of new policies and rules granting primary allocation status to any take which has primary allocation status in relation to a tributary of the Clutha (including the Lindis River</p>	<p>1. The proposed primary allocation limit</p> <p>The proposed primary allocation limit will result in a harsh reduction in water availability and does not represent the history of use within the catchment, and what could be irrigated efficiently with this water. Insufficient justification is provided for the proposed primary allocation limit, and no account is taken in the section 32 report or proposed provisions of how a primary allocation limit works in combination with a minimum flow to impact on water availability and reliability.</p> <p>The current primary allocation is 4003 L/sec of which approximately 2700 L/sec is used.</p> <p>The economic and social effects of the proposed primary allocation limit will be exacerbated by a range of factors including:</p>

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		<p>and its tributaries) which is moved from that tributary of the Clutha to the main stem of the Clutha River</p>	<p>a) the reduction in water available for irrigation due to the adoption of a minimum flow (above the current 200 L/s)</p> <p>b) potentially having to obtain water takes to an alternative source. There is an assumption in the s32 evaluation that this is achievable, but no recognition is given to the complexity, time, and lack of certainty about being able to transfer to an alternative source or the accessibility of water from other sources.</p> <p>These factors will result in significant adverse economic and social effects on irrigators in the Lindis catchment and the community connected to the Lindis catchment.</p> <p>2. Failure to achieve purpose of RMA and objectives of ORC Regional Policy Statements and Plans and is inconsistent with NPSFM</p> <p>Based on the reasons outlined in (1) above, the proposed primary allocation limit of 1,000 L/s will not:</p> <p>a) Achieve the purpose of the RMA, including by not enabling people and communities to provide for their social and economic well-being.</p> <p>b) Achieve the objectives and policies of the Regional Policy Statement, Proposed Regional Policy Statement and the RPW. This includes, but is not limited to, the following objectives and related policies:</p> <ul style="list-style-type: none"> i. Regional Policy Statement - Objective 6.4.1 ii. Proposed RPS - Objective 4.4 iii. Regional Plan: Water for Otago - Objectives 5.3.6, 6.3.2 <p>c) Be consistent with the NPSFM including Objective B3.</p> <p>3. Section 32 evaluation</p> <p>The evaluation of the proposed plan change was not carried out in accordance with section 32 of the</p>

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
			<p>RMA, including, but not limited to, a failure to accurately assess the efficiency and effectiveness of the provisions in achieving the objectives of the RPW, including the objectives outlined above.</p> <p>In addition the section 32 analysis of the proposed primary allocation limit:</p> <ol style="list-style-type: none"> a) failed to clearly identify and then assess why a primary allocation limit of 1000 L/s was chosen b) failed to properly assess whether water may be taken from an alternative source; without any assessment of the practicability of doing so, and the benefits and costs and economic impact of doing so; c) failed to accurately identify or assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the proposed primary allocation limit, including the opportunities for: <ol style="list-style-type: none"> i. economic growth that are anticipated to be reduced; and ii. employment that are anticipated to be reduced d) failed to accurately and effectively assess the economic impact of the proposed primary allocation limit, including on the economic viability of farming in the Lindis catchment, and associated economic impacts; e) failed to identify and assess how the primary allocation limit is linked to a minimum flow, and therefore failed to integrate these tools so that they work together as an effective package; f) failed to accurately and effectively assess the ability of a higher primary allocation limit (in combination with a range of other river management options) to protect natural values, including: intrinsic values; in-stream eco-system health; natural character and amenity of waterways; and the values and beliefs held by iwi, in accordance with: <ol style="list-style-type: none"> i. Part 2 of the RMA ii. The National Policy Statement for Freshwater Management 2014 iii. The ORC's Regional Policy Statement, Proposed Regional Policy Statement and RPW, as relevant to values associated with the Lindis catchment.

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
			<p>4. Inconsistent with National Policy Statement for Freshwater Management</p> <p>The proposed plan change is inconsistent with the NPSFM including because:</p> <ul style="list-style-type: none"> a) it does not maximise the efficient allocation and use of water (Objective B3); b) it does not recognise and take into account the implications for resource users, people and communities arising from setting a primary allocation limit including implications for actions, investments, ongoing management changes and any social, cultural or economic implications. <p>The NPSFM requires limit setting and decision making about freshwater management to be based on sound information. For example, page 4 of the preamble states:</p> <p><i>“Setting enforceable quality and quantity limits is a key purpose of this national policy statement. ... The process for setting limits should be informed by the best available information and scientific and socio-economic knowledge.”</i></p> <p>As outlined above in relation to the section 32 report, the proposed setting of limits (including the primary allocation limit) has not been informed by the best available information and scientific and socio-economic knowledge.</p> <p>5. The amendment sought – a higher primary allocation limit</p> <p>The amendment sought (a primary allocation limit of 1500 L/s) could enable people and communities to provide for their social and economic well-being while also:</p> <ul style="list-style-type: none"> a) achieving all other aspects of the purpose of the RMA (as contained in section 5) and recognising and providing for matters of national importance as outlined in section 6 of RMA and other matters as listed in section 7 of the RMA

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
8	<p>Schedule 2B – supplementary allocation blocks and specific minimum flows - Lindis catchment (first supplementary allocation block)</p> <ul style="list-style-type: none"> • May to November: 2200 L/s (Ardgour Road) • December to April 1600 L/s (Ardgour Road) • Lindis catchment (second supplementary allocation block) • May to November: 2700 L/s (Ardgour Road) • December to April: 2100 L/s (Ardgour Road) 	<p>Retain as proposed</p>	<p>b) meeting the objectives and policies of the NPSFM, including objectives and policies focused on efficiency of use and maintenance and enhancement of natural values, natural character and iwi values.</p> <p>c) meeting the objectives and policies of the ORC's Regional Policy Statement, Proposed Regional Policy Statement and RPW, including objectives and policies focused on efficiency of use and maintenance and enhancement of natural values, natural character and iwi values.</p> <p>To assist with achieving and meeting the matters outlined in 5(a) to (c) above, LCG recommend a holistic river management regime is adopted.</p> <p>Options to be considered in this regime were presented to the ORC prior to notification of PPC5A but were not included in the section 32 Report in relation to any of the options.</p>

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
9	<p>Support</p> <p>Schedule 2C – aquifers where groundwater takes are to be considered as primary allocation and subject to minimum flows</p> <p>Lindis Alluvial Ribbon Aquifer C5 & C6 – Lindis catchment ** (as provided for by Policies 6.4.2, 6.4.3 and 6.4.9)</p>	Retain as proposed	
10	<p>Support</p> <p>Schedule 4B.2 – Restrictions for aquifers connected to Lake Dunstan or the main stem of the upper Clutha River/Mata-Au</p> <p>Bendigo Aquifer and Lower Tarras Aquifer – There shall be no take for irrigation purposes between 1 May and 31 August inclusive. Other restrictions may be imposed on resource consents to help maintain lake</p>	Remove / delete this restriction	<p>1. Restriction on winter takes from aquifers</p> <p>The proposed restriction on taking water from these aquifers during winter is not based on sufficient evidence that these takes might have a discernible impact on lake levels or lake out flows. Winter takes are important to assist with frost fighting and also for the possibility of water harvesting for irrigation storage.</p> <p>Water takes from the Lindis catchment at a primary allocation of approximately 4003 L/s have existed long before the relevant hydro-electricity generation dams, and have an imperceptible impact on lake levels and outflows.</p> <p>2. Failure to achieve purpose of RMA and objectives of ORC Regional Policy Statements and Plans and is inconsistent with NPSFM</p>

Row no.	State what your submission relates to and if you support, oppose or want it amended levels.	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
	<p>Oppose</p>		<p>Based on the reasons outlined in (1) above, this proposed restriction on takes from these aquifers will not:</p> <ul style="list-style-type: none"> a) Achieve the purpose of the RMA, including by not enabling people and communities to provide for their social and economic well-being. b) Achieve the objectives and policies of the Regional Policy Statement, Proposed Regional Policy Statement and the RPW. This includes, but is not limited to, the following objectives and supporting policies: <ul style="list-style-type: none"> i. <i>Regional Policy Statement - Objective 6.4.1</i> ii. <i>Proposed RPS - Objective 4.4</i> iii. <i>Regional Plan: Water for Otago - Objectives 5.3.4, 5.3.6, 6.3.1, 6.3.2, 6.3.3, Policies 6.4.0, 6.4.0C</i> c) Be consistent with the NPSFM, including Objective B3. <p>3. Section 32 evaluation</p> <p>The evaluation of the restriction of takes from these aquifers was not carried out in accordance with section 32 of the RMA, including, but not limited to, a failure to accurately assess the efficiency and effectiveness of the provisions in achieving the objectives of the RPW.</p> <p>The section 32 evaluation did not fully or accurately identify or assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of this restriction on taking water from these aquifers.</p> <p>In addition the section 32 analysis of the proposed restriction on takes from these aquifers:</p> <ul style="list-style-type: none"> a) failed to assess any evidence that takes from these aquifers during winter have an impact on lakes levels affecting hydro-electricity operations; and b) failed to accurately identify or assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of this provision, including the opportunities for:

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
			<ul style="list-style-type: none"> i. economic growth that are anticipated to be reduced; and ii. employment that are anticipated to be reduced c) failed to correctly or effectively assess the economic impact of the proposed restriction, including on the economic viability of farming in the Lindis catchment and Bendigo aquifer area, and associated economic impacts. d) failed to correctly assess the environmental benefits of irrigators taking water during winter to store for use during dry periods. e) failed to assess the impact of water takes on Lake Dunstan or its outflows as a potential change from the status quo use/entitlement of water year round at the primary allocation level. <p>4. Inconsistent with National Policy Statement for Freshwater Management</p> <p>The NPSFM requires limit setting and decision making about freshwater management to be based on sound information. For example, page 4 of the preamble states:</p> <p><i>“Setting enforceable quality and quantity limits is a key purpose of this national policy statement. ... The process for setting limits should be informed by the best available information and scientific and socio-economic knowledge.”</i></p> <p>As outlined above in relation to the section 32 evaluation, the proposed restriction on taking water during winter not been informed by the best available information and scientific and socio-economic knowledge. No evidence is provided or referred to by the Section 32 report that these take from these aquifers during winter have an impact on lakes levels affecting hydro-electricity operations.</p>
11	Water Plan Maps: Minimum flow catchments and	Redefine the catchment area to include the full	<p>1. Implications of mapping</p> <p>The catchment boundary does not recognise the true geographical catchment boundary of the Lindis</p>

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
	<p>monitoring sites - Map B4 and B7</p> <p>Oppose catchment boundary and want amended</p>	<p>extent of the true geographic boundary of the Lindis catchment</p>	<p>River. The implications of this, in terms of the long term management of water within the true boundary of the Lindis catchment, are potentially far-reaching, and will result in unnecessary complexity and uncertainty for the natural 'nested' catchment of the Lindis. Future decisions about sourcing water should not be limited or extinguished by an arbitrary approach to mapping.</p> <p>Creating an arbitrary boundary to exclude the Tarras Creek sub-catchment (see p 11 of section 32 report) from a minimum flow is a very blunt instrument to achieve this.</p> <p>The proposed boundary will result in significant adverse economic and social effects including:</p> <ol style="list-style-type: none"> Lack of certainty and clarity about the implications of this catchment boundary – including whether water will be required to be obtained from an alternative source, and associated lack of certainty about whether this is possible, based on physical and regulatory constraints and factors. There is no guarantee that alternative water permits will be granted by the ORC under its RPW to either establish a new take from, or shift a point of take to, a different catchment or source of water. The time it will take to work through changing the location of takes and/or irrigation systems, and the associated economic and social costs of this, including labour and associated opportunity costs. The cost of shifting these takes, including investment in infrastructure, regulatory costs. The resulting inability or difficulty in making decisions about farm operations and investments. <p>2. Failure to achieve purpose of RMA, and objectives of ORC Regional Policy Statements and Plans, and is inconsistent with NPSFM</p> <p>Based on the reasons outlined in (1) above, the mapping of the catchment area as shown on Map B4 and B7 will not:</p> <ol style="list-style-type: none"> Achieve the purpose of the RMA, including by not enabling people and communities to

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
			<p>provide for their social and economic well-being.</p> <p>b) Achieve the objectives and policies of the Regional Policy Statement, Proposed Regional Policy Statement and the RPW. This includes, but is not limited to, the following objectives and supporting policies:</p> <ul style="list-style-type: none"> i. <i>Regional Policy Statement - Objective 6.4.1</i> ii. <i>Proposed RPS - Objective 4.4</i> iii. <i>Regional Plan: Water for Otago - Objectives 5.3.6, 6.3.2, 6.3.3, Policies 6.4.0, 6.4.0B, 6.4.0C</i> <p>c) Be consistent with the NPSFM.</p> <p>3. Section 32 evaluation The evaluation of the proposed catchment boundary in maps B4 and B7 was not carried out in accordance with section 32 of the RMA, including, but not limited to, a failure to accurately assess the efficiency and effectiveness of the maps and associated provisions in achieving the objectives of the RPW.</p> <p>The section 32 evaluation did not fully or accurately identify or assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of proposed Maps B4 and B7.</p> <p>4. Amendment sought – Map true boundary of Lindis catchment LCG seek that the true geographical extent to the Lindis catchment is used in Maps B4 and B7.</p> <p>This would take away the uncertainty and complexities associated with the proposed boundary as proposed by the ORC, and would enable irrigators to provide for their social and economic well-being.</p>

Row no.	State what your submission relates to and if you support, oppose or want it amended	State what decision you want the Otago Regional Council to make	Give reasons for the decision you want made
12	<p>Water Plan Maps: Map C5: Lindis Alluvial Ribbon Aquifer and Lower Tarras Aquifer</p> <p>Water Plan Maps: Map C6: Ardgour Valley Aquifer, Lower Tarras Aquifer, Lindis Alluvial Ribbon Aquifer, Bendigo Aquifer</p> <p>Support</p>	No change	<p>Existing Policy 6.4.OC of the RPW (<i>"To promote and give preference, as between alternative sources, to the take and use of water from the nearest practicable source."</i>), should be applied to applications relating to water takes, rather than creating an arbitrary catchment boundary as proposed by PPC5A.</p>

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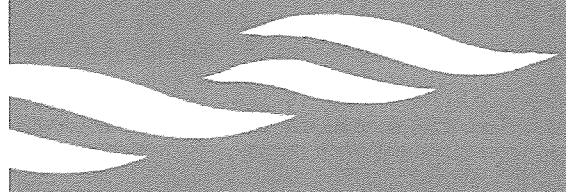
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Federated Farmers of New Zealand

Submission to Otago Regional Council on Plan Change 5A
(Lindis: Integrated Water Management) to the Regional
Plan: Water for Otago

1 September 2015



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SUBMISSION TO OTAGO REGIONAL COUNCIL ON PLAN CHANGE 5A

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: Federated Farmers of New Zealand

Contact person: Kim Reilly
Regional Policy Manager, South Island.

Address for service: PO Box 5242, Dunedin 9054

This is a submission on the following proposed plan change – Plan Change 5A (Lindis: Integrated Water Management) to the Regional Plan: Water for Otago.

We could not gain an advantage in trade competition through this submission.

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.

SUMMARY OF SUBMISSIONS

- 1. Federated Farmers does not consider Council has met its planning responsibilities under Proposed Plan Change 5A (Lindis: Integrated Water Management).**
- 2. The Section 32 Evaluation Report should be considered inadequate.**
- 3. That in line with Council's own science, reports and evaluations over a 6-7 year period, that through October to May a primary allocation minimum flow of 450 l/s should be adopted, rather than the 750 l/s proposed.**
- 4. That under Schedule 2A, for the Lindis River Catchment, a primary allocation minimum flow is adopted as follows:**
 - 450 l/s October to May**
 - 1,600 l/s June to September.**
- 5. Council must adopt an appropriate and realistic transitioning framework for the Lindis Catchment. This should enable an extension of minimum flows for at least 5 years post expiry of deemed permits (mining privileges) - at minimum until 2 October 2026.**
- 6. Full consideration of the community's identified values must be provided for, specifically those relating to the 'availability of water for irrigation during the growing season'. To date, present and future impacts have not been appropriately considered or evaluated.**
- 7. That the Proposed Plan Change Mapping includes the Tarras Creek catchment and retains existing boundaries of the Lindis Alluvial Ribbon Aquifer.**
- 8. That Council adopts a more workable and appropriate primary allocation limit of 1,500 l/s, rather than the only other option (1,000 l/s) considered.**
- 9. If Federated Farmers suggestion for primary allocation limit is rejected, that Council commit to undertake meaningful and constructive engagement with landowners to determine the appropriate primary allocation limit.**
- 10. That Council delete reference to both the Bendigo and Lower Tarras Aquifers from Schedule 4B.2.**

1. INTRODUCTION

- 1.1 Federated Farmers of New Zealand (Inc) is a voluntary, primary sector organisation representing farming members and their families. Federated Farmers has a long history of representing the needs and interests of New Zealand's farming communities, primary producers and agricultural exporters.
- 1.2 The Federation aims to add value to its members' farming business by ensuring that New Zealand provides an economic and social environment within which our members may operate their business in a fair and flexible manner.
- 1.3 Our members strongly support a regional planning approach that recognises landowners play a principle role as managers (and financiers) of the regions natural and physical resources.
- 1.4 In notifying a proposed water management regime, Council has a number of planning responsibilities that must be met. These are set out under the Resource Management Act (RMA), the National Policy Statement for Freshwater Management 2014 (NPS-FM) and the objectives of the Regional Water Plan. Under these requirements, any proposed water management regime must provide for a fair, reasonable management regime for plan users and must ensure an appropriate balance between competing demands.
- 1.5 Federated Farmers considers that when water is allocated, the social, economic and cultural values associated with particular water bodies must be balanced both with each other and with environmental values. The rights of existing users must be allowed for when setting environmental flow and water management regimes, in order to both protect existing infrastructure and investment and to safeguard productive capacity.
- 1.6 **We do not consider Council has met its planning responsibilities under Proposed Plan Change 5A (Lindis: Integrated Water Management).**

2 SECTION 32 REPORT

- 2.1 Council has noted that the intent of Proposed Plan Change 5A is to give effect to the NPS-FM. It is important to note, however, that the NPS-FM must still be interpreted and given effect to within the context of the RMA.
- 2.2 A crucial aspect of any planning process under the RMA is a full and proper Section 32 evaluation, which is integral to transparent, robust decision-making.
- 2.3 Federated Farmers considers that the Section 32 Evaluation Report for this plan change is neither appropriate nor adequate, and that Council has not met its requirements under Section 32 of the RMA. It is at best, simply 'reporting' on pre-determined decisions without any sufficient evaluation.
- 2.4 A Section 32 evaluation must fully consider the benefits and costs of any proposal, alongside the risks that any new policies and rules may have on the community, the economy, and the environment. Each of these considerations need to be clearly identified, documented and

assessed to fully enable stakeholders and decision-makers to understand the rationale behind changes proposed.

- 2.5 Council has not sufficiently discharged its duty in this area as it has not enabled a full understanding of the likely benefits, costs or risks of different options. There has not been adequate identification or documentation of how conclusions within the evaluation report were reached and on what basis they were made.
- 2.6 There is also confusion within the evaluation itself. This is mostly due to the significant change in Council's stance from that within proposals, reports and recommendations presented to both the community and wider stakeholders from 2009 through 2014, to that which has been amended and released as a final proposal in August 2015.
- 2.7 At page 15 of Council's Section 32 Evaluation Report, it is noted that '*a water management regime that is developed in consultation with the local community is more likely to be accepted by water users and other stakeholders*'. Council advised that as a consequence, it carried out extensive consultation with affected consent holders, statutory bodies and agencies and the wider community.
- 2.8 It is noted in the Evaluation Report itself that between 2009 and 2011, Council hosted four community workshops to discuss the framework, share scientific information and listen to views on values. A fifth workshop discussed detailed flow regimes, while in April 2014, a sixth community workshop was held through which Council presented its recommended integrated management approach.
- 2.9 Over this 5-6 year period, all scientific, planning, legal and other information was prefaced around Council's recommended position that a minimum flow of 450 litres a second was both necessary and appropriate. It was only in April 2015, over 6 years after all such discussions started, that Council dramatically amended its proposal from 450 litres a second to 750 litres a second.
- 2.10 The contradictory nature of this late change in stance is clear when considering the number of scientific presentations, meeting notes and reports presented to the community over the 6 years from 2009 to early 2015, all accessible on Council's website, which advised that a minimum flow of 450 litres a second was considered necessary and scientifically appropriate.
- 2.11 For example, at Workshop 2 on 11 May 2010, a substantial 41 slide Scientific Presentation was given by Council to the community entitled 'Effects of minimum flow scenarios on community and natural values of the Lindis River'. Council considered a number of flow options, including 400 l/s, but no specific consideration was given to a flow of 450 l/s. However it is concluded at slide 21 that:

"At least 440 l/s is required at the Ardour Rd flow recorder to maintain continuity in the lower Lindis"
- 2.11 On Wednesday 30 November 2011, Council hosted a fourth community workshop. This discussed flow scenarios and included a substantial presentation by Council on options for the management of the surface and groundwater resources in the Lindis. This presentation entitled 'Integrated Water Management in the Lindis Catchment' concluded, at slide 17 that:

"Community asked that the minimum flow provide for:
- Irrigation

- Juvenile trout habitat
 - Trout spawning
 - Native fishery
 - Aesthetics, natural character , cultural values (flows at Lindis Crossing Bridge)
- To balance all these values Council suggests 450 l/s”**

2.12 Prior to Council’s amended stance in April 2015, all Council’s documentation, presentations, workshop commitments and scientific reports were prefaced around a primary allocation minimum flow of 450 l/s being required.

2.13 Federated Farmers is therefore very concerned to note within Council’s Section 32 Evaluation Report, that without any significant subsequent scientific reports, the conclusion of ‘costs/risk’ of Option 2 are that: the ecosystems are unlikely to provide for ecosystem health, that they will result in high mortality rates and poor/interrupted fish passage, no suitable trout habitat, risks of algal blooms, that they do not protect cultural values, and provide no meaningful improvement to the recreational values of the lower Lindis and that surface flows near the Clutha confluence may cease.

2.14 We find these statements to be completely contradictory to Council’s own evidence , previous comments, statements and science. The ‘analysis’ has neither been substantiated nor linked adequately to any additional reports. In fact, the basis for these statements appears to be on the 2010 science quoted above, under which a flow of 400 litres a second was considered, not a 450 l/s flow, and where in fact the conclusion was that a flow of at least 440 l/s was necessary to protect values and ensure continuity. This is actually in line with the 450 l/s referenced in Option 2, now rejected by Council.

2.15 Furthermore, the Council’s views, recommendations and conclusions within the April 2014 Consultation Draft Section 32 report significantly contradict those within the Section 32 Evaluation Report dated August 2015. At page 7 of the 2014 Section 32 report, it is concluded:

“Option 2 results in substantial improvements to the natural character, ecosystem, recreational and cultural values associated with the Lindis River at and upstream from the SH8 Bridge , while allowing water users to remain economically viable if they would choose to pursue more efficient irrigation practices.

2.16 At page 9 of the April 2014 Consultation Draft Section 32 report it is noted:

“Option 2.... Is recommended for the following reasons:

- Option 2 is an appropriate and effective way of better achieving the objectives of the Water Plan and those outlined in the NPSFM;
- The aim of the regime proposed under Option 2 is to protect aquatic ecosystems in the Lindis River, maintain the river’s natural character at prominent and accessible viewpoints, and ensure tangible improvements to the river’s cultural and recreational values, while ensuring ongoing community prosperity.
- The implementation of the proposed regime will mean that in the initial stages the local farming community will experience short term negative impacts, creating a need to change practices, infrastructure or water source.
- Improved efficiency of resource use and substitution of irrigation water traditionally supplied from the Lindis River with irrigation water from alternative sources will gradually improve supply, growth in production and subsequent

increase in returns. This creates scope for positive spin-off effects for the wider regional economy.

- 2.17 Based upon the above evaluation, which we consider has never been refuted by Council through any sufficient additional scientific or 'other' information, a minimum flow of 450 l/s should still be considered appropriate. We are very concerned that the bold statements quoted above within the April 2014 Consultation Draft Section 32 Evaluation Report have now been completely contradicted in the 2015 Evaluation Report.
- 2.18 In fact in 2014, it was considered that landowners would need to make a number of compromises and seek alternative solutions to even be able to meet the minimal flow proposal of 450 l/s. In good faith, following over 5 years of advice and information that the catchment required a minimum flow of 450 l/s to best meet community values and concerns, landowners invested both time and money to adapt practices and invest in infrastructure and technologies in an endeavour to meet the proposed flows. Through Council's last minute change to nearly double the earlier indicated proposed flows, Council has effectively stymied any opportunity for landowners to continue their existing businesses.
- 2.19 It is also of considerable concern that the economic impact of the flow options has not been adequately considered, neither has there been meaningful or constructive engagement and consultation with landowners. Council has presented its views to the community at a number of workshops, but we do not accept that these amount to appropriate 'consultation and engagement'.
- 2.20 Federated Farmers is very concerned with the Section 32 Evaluation Report conclusion for both options 3 and 4 that they would *'likely result in about a 5% reduction in gross margin and employment'*. We consider these statements significantly underestimate the economic impact on individual landowners, the community and regional economies.
- 2.21 It is also extremely concerning to note that the assessed economic benefits of every proposal has been replicated for every option as 'Scope to increase productivity in local primary sector through the use of alternative water sources, water storage and efficient irrigation systems'. This is almost dismissively failing to fully consider economic benefits and appropriately analyse benefits resulting from each option. This is important given farming viability and the local economy overall were identified as primary considerations through community discussions.
- 2.22 Furthermore, we strongly refute the comment at page 12 of the report that at 750 l/s *'the wellbeing of the local community is maintained. The economic impact of a minimum flow on the local and regional economy is likely to be relatively small in an average year'*. It is not sufficient for the report to conclude that farming in the area is assumed to remain economically viable. The marginal economic impacts between the various options require significantly greater assessment, particularly in terms of the marginal economic opportunity costs between the options considered.
- 2.23 Further, the report lacks an appropriate assessment of the indirect or 'downstream' impact of the various options on local and district wellbeing. Greater consideration should be given to these considerations. This is a particularly relevant concern given how reliant both the Lindis area and the Central Otago District are on primary production for economic wellbeing.

Recommendation

- That the Section 32 Evaluation Report is considered inadequate;
- That due regard is had to the values and uses the community has identified as important;
- That in line with Council's own science, reports and evaluations over a 7 year period, a minimum flow of 450 l/s is adopted rather than the 750 l/s proposed;
- That under Schedule 2A, for the Lindis River Catchment, a primary allocation minimum flow is adopted as follows:
 - 450 l/s October to May
 - 1,600 l/s June to September.

3 TRANSITIONING

- 2.4 Policy 6.4.5 of the Proposed Plan Change provides that the minimum flows established will apply to resource consents for the taking of water. It is provided that the minimum flows for the Lindis will not apply until after a collective review of the consents in the catchments; that this will occur before 2021 if there is agreement by the holders of mining privileges (deemed permits) or otherwise on the expiry of the mining privileges on 2 October 2021.
- 2.5 Federated Farmers accepts that deemed permits expire on 2 October 2021. However, we do not accept that this requires all minimum flows to be immediately complied with at this point. In complex situations like the Lindis, where the ability to access irrigation is already restricted by the environment, competing values exist, uncertainty remains about alternative options and the river itself is not clearly understood, a greater transitioning period will be required. This has been acknowledged within the NPS-FM itself.
- 2.6 Under the NPS-FM full implementation is required by 31 December 2025. However, the NPS-FM provides that this implementation timeframe may be extended to 2030 if the 2025 timeframe will affect plan quality or it would be impracticable to fully implement by 2025. Policy E of the NPS-FM outlines the timing for implementing the NPS-FM.
- 2.7 We do not consider an adequate transition timeframe has been provided for within Proposed Plan Change 5A through which landowners can secure the alternative water sources or storage options necessary to enable them to continue with their farming businesses, particularly given the complexity surrounding the science, changed positions and uncertainty around the ability to access alternative water sources. Federated Farmers considers a transition framework specific to the Lindis Catchment needs to be adopted.
- 2.8 Council has acknowledged that for many landowners, the ability to access water from the Clutha River or other sources will not be a straight-forward process. Other decisions around piping, easements, storage and amended points of take are also incomplete and uncertain, requiring additional time for these processes and any required investments and building processes to be worked through.
- 2.9 We consider that upon the expiry of mining right deemed permits on 2 October 2021, at least an additional five years is required to enable landowners to appropriately transition to new sources, or new points of take and to ensure a workable River Management structure is in place. This will also enable local consent holders and other stakeholders to adequately

investigate the feasibility of measures that mitigate the effects of the minimum flow on water availability. It will also enable other processes to be worked through, such as establishing a catchment-wide water management group, the adoption and investment into more efficient irrigation practices and evaluation and securing an alternative source of irrigation water.

2.10 We consider timeframes must reflect the situation that real communities, real people and real impacts are at issue here. We consider the Board of Inquiry's decision earlier this year on the Ruataniwha Dam reinforces that there will be situations where an extended 2030 timeframe for adhering to limits is required.

2.11 Furthermore, had it been clear to landowners in 2009 that a minimum flow above 450 l/s was likely, individual and group planning decisions could have been established on that basis. However, it was only in 2015 that Council 'flipped' in its recommendation, leaving landowners confused and uncertain, with any previous decisions based around how they were going to meet a 450 l/s framework effectively meaningless. We consider the 6 year period that landowners effectively lost through this process, during which many had found ways to endeavour to reposition from current water usage to the proposed 450 l/s, reinforces the need for greater transition timeframes.

2.12 Recommendations

- **That Council adopts an appropriate transitioning framework for the Lindis Catchment, enabling an extension of minimum flows for 5 years post expiry of deemed permits (mining privileges).**

3 VALUES

3.4 Values are intrinsic qualities, uses or potential uses associated with fresh water. They are qualities or uses that people and communities wish to see recognised in the on-going management of those freshwater bodies. For the Lindis River, the community determined the following range of values for the Catchment over an extensive 6 year process:

- Availability of water for irrigation during the growing season;
- Provision of domestic, communal and stock water supplies;
- Trout spawning, juvenile trout rearing and retention;
- Habitat and access for native fish;
- Cultural values;
- Small stream recreation and safe and family-oriented camping;
- Water quality and stream health;
- Wildlife habitat;
- Amenity and natural character..

3.5 Under the NPS-FM there are two compulsory values ('ecosystem health' and 'human health for recreation') listed in Appendix 1. However, the two compulsory values are not prioritised above any other values that are considered relevant at a regional or local level. On that basis, values relating to farming and those relating to trout are to be considered on the same basis.

3.6 Therefore, it is entirely appropriate when considering this range of values that focus turns to where the costs and risks lie, where opportunities will be lost and where the most pain will be

felt. From the current position, the status quo, landowners will be the ones who suffer the most under any minimum flow process. We do not consider this has been adequately reflected by Council.

3.7 Recommendations

- **That full consideration of the community's identified values is provided for, specifically those relating to farming and irrigation, where to date, present and future impacts have not been appropriately considered or evaluated.**

4 MAPPING

4.4 In developing the proposed plan change, Council considered two options for mapping the Lindis catchment and aquifer boundaries. The first option included Tarras Creek Catchment and retained existing boundaries of the Lindis alluvial ribbon.

4.5 We consider option one more appropriately reflects the reality that the Tarras Creek sub-catchment is an integral part of the overall Lindis River catchment and that mapping should remain based on Map C1b of the Water Plan. This option will appropriately ensure that there is no restriction on groundwater takes in the lower Lindis alluvial fan zone which isn't located within 100m of the Lindis River.

4.6 Without this change, the map proposed by Council creates uncertainty and unnecessary complexity for applicants wanting to take and/or use water in the Tarras Creek area, as they will potentially be treated differently from other users with existing primary allocation water rights from the Lindis catchment, without sufficient justification.

4.7 Recommendations

- **That mapping includes the Tarras Creek catchment and retains existing boundaries of the Lindis Alluvial Ribbon Aquifer.**

6 PRIMARY ALLOCATION LIMIT

6.1 Council has proposed a Primary Allocation limit of 1,000 litres per second instantaneous flow. This will result in a harsh reduction in water availability and does not represent the history of use within the catchment; neither does it appropriately represent what could be irrigated efficiently with this water.

6.2 It is Federate Farmers position that a limit set at 1,000 l/s will result in significant adverse economic and social effects on irrigators in the Lindis catchment and subsequently, the community connected to the Lindis catchment.

6.3 It is noted that a range of water uses are provided for from the river, from wine-making, frost-fighting to pasture irrigation. While over 4,000 l/s is allocated from the river, generally no more than 2,700 l/s can be taken due to low river flows and limitations to existing water supply infrastructure.

- 6.4 There is no discussion or analysis within the Section 32 Evaluation Report as to how the consequent primary allocation limit of 1,000 l/s was reached. However, it is the only limit considered in each of the three options (other than status quo) considered.
- 6.5 Federated Farmers does not consider this matter has been adequately considered or discussed. Nor has there been meaningful or constructive engagement and consultation with landowners as to the appropriate primary allocation limit.
- 6.6 It is our position that in failing to properly assess the appropriateness of this limit, failing to properly assess whether water may feasibly be taken from an alternative source and failing to accurately and effectively assess the economic costs or benefits at this limit level, Council has not met its obligations in this area
- 6.7 Council has also failed to identify and assess how the proposed primary allocation limit has been linked to the minimum flow, and how these will effectively work 'together'.
- 6.8 In our view, a Primary Allocation limit of 1,500 l/s is more appropriate and should have been considered. It is our position that a limit of 1,500 l/s could more effectively enable people and communities to prove for their social and economic well-being while enabling environmental objectives to be met.
- 6.9 **Recommendations**
- **That Council adopts a more workable and appropriate primary allocation limit of 1,500 l/s;**
 - **If this is rejected, that Council undertakes meaningful and constructive engagement with landowners to determine the appropriate primary allocation limit.**

7 RESTRICTIONS FOR GROUNDWATER TAKES

- 7.1 Under 4B.2 Council has proposed restrictions for aquifers connected to Lake Dunstan or the main steam of the upper Clutha River/Mata-Au. For both the Bendigo and Lower Tarras Aquifers, proposed restrictions are such that there shall be no takes for irrigation purposes between 1 May and 31 August inclusive. It is also noted that other restrictions may be imposed on resource consents to help maintain lake levels.
- 7.2 Federated Farmers is concerned with such restrictions being proposed given the particular circumstances of these Aquifers. Particularly given most winter takes from these aquifers have long preceded hydro-electricity in this area.
- 7.3 In addition, we consider any resource consent concerns are more appropriately addressed on a case-by-case basis, on the facts of each case, as part of resource consent condition considerations.
- 7.4 We do not consider it is appropriate to address consenting matters through a plan change process and we do not feel this is consistent with other aspects of Council's Water Plan or the policy framework in Chapter 6, particularly Policy 6.4.1.

7.5 Federated Farmers considers that in the circumstances of both the Bendigo Aquifer and the Lower Tarras Aquifer, that these matters should not be included within Schedule 4B.2.

7.6 **Recommendations**

- **That Council delete reference to both the Bendigo and Lower Tarras Aquifers from Schedule 4B.2.**

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SUBMISSION FORM (Print clearly on both sides)
Proposed Plan Change 5A (Lindis: Integrated water management)
to the Regional Plan: Water for Otago
(Form 5, Clause 6 of the First Schedule, Resource Management Act 1991)



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Name of submitter

MICHAEL & FELICITY HAYMAN

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

If others make a similar submission, I will / ~~will not~~
consider presenting jointly with them at a hearing
(circle preference).

[Handwritten Signature]
Signature:

4/9/15
Date:

(of submitter, or person authorised to
sign on their behalf).

Trade competitor's declaration (if applicable)

I could gain through trade competition from a submission
but my submission is limited to addressing environmental
effects directly affecting my business

Signature: _____

Note that all submissions are made available for public inspection

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Send to:
Freepost ORC 497
Otago Regional Council
Private Bag 1954
Dunedin 9054

1 State what your submission relates to and if you support, oppose or want it amended	2 State what decision you want the Otago Regional Council to make	3 Give reasons for the decision you want made
<p>e.g. Amend provision 5</p> <p>We oppose:</p> <p>a) Minimum flow of 750L/sec</p> <p>b) Primary allocation of 1000L/sec</p> <p>c) Maps excluding the Tararua Area</p> <p>d) Lack of any transitional rules</p>	<p>e.g. provision 5 should say</p> <p>We recommend:</p> <p>a) Minimum flow of 450L/sec</p> <p>b) Primary allocation of 1500L/sec</p> <p>c) Geographic maps to be used instead of proposed maps</p> <p>d) Longer time frame before change implemented</p>	<p>e.g. I want provision 5 changed because</p> <p>The proposed very high minimum flow level will result in an unreliable water supply. Proposed development of our property requires high capital expenditure which is only viable with a reliable water supply. A minimum flow level of 450L/sec would result in a more reliable water supply while leaving an adequate flow of water in the Lindis River.</p>

Please add pages as required



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to the Regional Plan: Water for Otago
(Form 5, Clause 6 of the First Schedule, Resource Management Act 1991)

Name of submitter

Justin and Tui Willson

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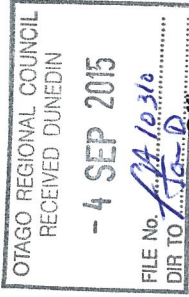
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(circle preference).

Willson Date: 4/9/15

Signature: [Signature]
(of submitter, or person authorised to
sign on their behalf).

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Dunedin 9054

1	2	3
<p>State what your submission relates to and if you support, oppose or want it amended</p> <p><i>e.g. Amend provision</i></p> <p>We oppose the 750 l/s min flow.</p>	<p>State what decision you want the Otago Regional Council to make</p> <p><i>e.g. provision y should say</i></p> <p>Go back to the original proposal of 450 l/s.</p>	<p>Give reasons for the decision you want made</p> <p><i>e.g. I want provision y changed because</i></p> <p>At present the minimum flow is 200 l/s so there would be 250 l/s that will no longer be used for irrigation. The Lindis river is alive and well all year round from the upper Ardgour bridge where we can all enjoy swimming, fishing and kayaking.</p>
<p>We oppose the time frame in which the minimum flow will implemented.</p>	<p>Increase time until 2026.</p>	<p>Introducing a minimum flow has huge repercussions for economic viability of farms reliant on Lindis water for irrigation. Land owners will need time to build infrastructure at huge cost to elevate times of low flow.</p>
<p>We oppose the boundary change to the Lindis catchment</p>	<p>Status quo</p>	<p>We, like many other farmworkers in the Tarras community, rely on Tarras, Ardgour and Lindis Valley land owners being able to utilise Lindis water for irrigation and therefore provide employment opportunities. The farmworkers all contribute to the local sports clubs, school and retailers. By restricting water for irrigation we will see the demise of our rural community where we raise our family in a safe, vibrant and flourishing environment. Please do not take that away from us.</p>

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If others make a similar submission, I will (will not)
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Signature: [Signature]

Date:

3/9/2015

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1 State what your submission relates to and if you support, oppose or want it amended	2 State what decision you want the Otago Regional Council to make	3 Give reasons for the decision you want made
<p>Oppose 150 L/sec minimum flow</p> <p>Oppose operative flow time of 2021</p> <p>Oppose primary allocation</p> <p>oppose map B4 + B4</p>	<p>support WINDI'S catchment Group of 450 L/sec.</p> <p>Should be extended to 2025 at least as</p> <p>increase to 1500 L/sec.</p> <p>Geographic Catchment</p>	<p>vital to have reliable water to grow winter feed</p> <p>as 150 their is too many days of water rationing making it uneconomical to put in spray irrigation.</p> <p>Huge changes for all will take time to bed in the new compulsory allocations etc.</p> <p>Better represents primary water access.</p> <p>Divides the Community.</p> <p>Unfair on non-farming Tarras residents</p>

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I very strongly believe that the 450 l/sec. minimum flow will make it uneconomic for farmers to invest in expensive spray irrigation as there will be too many days of restrictions with ~~no~~ watering, but at 450 l/sec minimum flow, with careful management of river restrictions. ^{This would} will give people much more confidence to invest in efficient irrigation systems.

at 'Nine Mile' we have perhaps put the cart before the horse and have already spent a huge amount of money (in sheep farming terms) on pivot irrigation.

This has not been so much for increased production but to give the guarantee of good winter feed crops.

This has already happened and it has already made a huge difference not only for the property but for ~~those whose~~ lives depend on it the people who live and work here.

J. J. J.

1 Farmers must be given a reliable source of water to farm economically as they are at the end bottom of the heap when it comes to costs. in other words they pay for everything this includes Rabbit Control, Weed Control, Council Rates Regional Council rates and many more buracraatic costs.

2 To finish lambs, autumn store price for lambs in Cromwell between \$15 + \$50 clearly doesn't generate enough income to pay the above. Reliable water produces \$100 + lambs. so clearly absolutely vital for our operation.

JPL

Conclusion

There is much talk these days of Customary Rights and surely this must be equally so for the farming generations many of who have farmed the same land for over 100 years many others would have bought this land with the knowledge that there was a 'water right' with it or it would be on the title.

○ I would like to finish this submission by just saying I have farmed here for 55 years, have seen many ~~too~~ laws & some highs in the commodity market and many very dry years and some extreme dry years and I shudder to think of future generations of farmers when they are faced with very poor commodity prices and extremely dry weather conditions and ~~watching~~ ^{have to watch} hundreds water flow out into the Chuttha river gone for good for what; for a few introduced species of fish.

This would not be good for the mental health or the health of the wider community

5
e

J. J. J.