RPS

From: Elizabeth Soal <ejcsoal@icloud.com>
Sent: Friday, 3 September 2021 8:47 a.m.
To: RPS
Cc: Fraser McKenzie
Subject: Submission on proposed RPS
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Follow Up Flag: Follow up
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Categories: Submission - Sector stakeholder

Good morning,

Please find attached the submission of the Waitaki Irrigators Collective Limited in relation to the Proposed Otago Regional Policy Statement.

Kind regards,
Elizabeth Soal

es.

Elizabeth Soal

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Waitaki Irrigators Collective Limited (submitter)

Submission to the Otago Regional Council

Proposed Otago Regional Policy Statement 2021

Organisation:	Waitaki Irrigators Collective Limited
Signatory:	Fraser McKenzie
Position:	Chair
Signature:	
Date:	2 September 2021

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

We **do wish to be heard** in support of our submission.

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

About the Waitaki Irrigators Collective

The Waitaki Irrigators Collective Limited (WIC) is a company whose shareholders are five irrigation schemes and a society of individual irrigators that take water from Lake Waitaki, the Waitaki River (or its tributaries or connected groundwater) and use that water to irrigate land downstream of the Waitaki Dam, on both the north and south sides of the Lower Waitaki River.

WIC was formed in 2010 as a response to a number of shared issues which the schemes were facing at the time. In mid-2011, WIC expanded to include the incorporated society of independent farmer-irrigators.

WIC represents over 580 irrigators, with an irrigated area of approximately 80,000 hectares across North Otago and South Canterbury. The irrigators within the Collective contribute approximately $550 million per annum in gross income to the local and national economies, and represent a capital value of land (with infrastructure) in excess of $2.5 billion.

The overarching goal of WIC is to ensure the ongoing surety of water for its members. There are various dimensions to water surety, including surety of supply, reliability of supply, resource consent conditions relating to water take and usage, and community support for irrigation. WIC seeks to gain surety of supply within an approach which recognises the need for continuous improvement and environmental protection.

The shareholders of WIC are:

- the Kurow-Duntroon Irrigation Company Limited;
- the North Otago Irrigation Company Limited (NOIC);
- the Morven, Glenavy, Ikawai Irrigation Company Limited;
- the Maerewhenua District Water Resource Company Limited;
- the Lower Waitaki Irrigation Company Limited (LWIC); and
- the Waitaki Independent Irrigators Incorporated (including the Haka Valley Irrigation Company Limited).

These schemes and individuals use irrigation water for production across the primary sector, including the agriculture, horticulture, dairying and viticulture industries. Some of the schemes also provide water to other industries, town supplies and sports clubs. WIC represents a large number of farmers, farming companies and irrigators who create significant wealth for their communities, well beyond the farm gate.

The vast majority of irrigators within WIC have water take consents within the Environment Canterbury region. However, LWIC and NOIC use their water within the Otago Region, and therefore are subject to Otago Regional Council land and water use planning and regulations.

Narrative submission

Regionally significant infrastructure

WIC submits that the Otago Regional Policy Statement should recognise irrigation infrastructure as being regionally significant. The definition of regionally significant infrastructure in the interpretation section should be amended accordingly.

Otago is the second-largest region in New Zealand in terms of irrigated hectares. In 2019, there were 99,687 hectares under irrigation across the region, primarily in North Otago (approximately 38,000 hectares) and Central Otago. In North Otago, NOIC irrigates 17,624 hectares and LWIC 20,354 hectares.

Irrigation brings widespread quantifiable benefits to communities, across all areas of well-being. Irrigation schemes in the Waitaki and Central Otago have brought economic benefits to the region in the order of hundreds of millions of dollars, in addition to providing employment for thousands of people.

Economic modelling by NZIER shows that irrigation across the region creates an additional $74 million annually in farm-gate value above that generated if irrigation did not occur.[1]

Beyond economic benefits, there are a number of social improvements that occur in communities due to irrigation development, including:

- overall population growth
- an increase in the proportion of young and working-age people in communities
- an increase in the proportion of residents with a tertiary qualifications
- supporting the primary sector generally, through the maintenance of proportion of residents employed within the primary sector
- an increased proportion of residents with higher status occupations
- an increased proportion of residents with full-time jobs; and
- an improvement in median household income.

All of these benefits together improve community cohesion and resilience, and support the existence of important community groups and sports clubs.

A report prepared by the (then) Ministry for Agriculture and Forestry concluded that "for dryland farming areas, irrigation is the most realistic means to grow an inclusive, innovative local economy and therefore to create opportunities to reduce inequalities they experience in health, education, employment and housing."

[1] https://www.irrigationnz.co.nz/Attachment?Action=Download&Attachment_id=24

Objective EIT-INF-O4 of the PRPS states that "effective, efficient, and resilient infrastructure enables the people and communities of Otago to provide for their social and cultural well-being, their health and safety, and supports sustainable economic development and growth within the region within environmental limits."

The New Zealand Infrastructure Commission's *State of Play: Water* report notes that the water sector is facing a growing number of challenges, including:

- Providing sufficient resilience within three waters, flood protection and irrigation networks to meet the demands of climate change, including coping with more extreme weather events (ranging from severe flooding through to droughts) and the consequences of sea level rise
- Developing effective policy and private asset management systems to complement public infrastructure and provide for increasing opportunities for smart, resilient distributed infrastructure systems.

It also notes that irrigation infrastructure "will often support multiple uses such as hydro-electric generation, farm troughs, ground water recharge, water-based recreation and urban drinking water supply." This is the case in Otago, with irrigation scheme infrastructure providing water for multiple purposes and supporting a range of community values.

Irrigation infrastructure is therefore critical to communities across the region and the PRPS should be amended to reflect this.

General submission

WIC's general submission points are included in the following table. Amendments sought are noted in red and as follows:

- deletions are shown by way of ~~strikethrough~~
- additions are <u>underlined</u>

Provision	Position	Reasoning	Decision sought
Interpretation Definitions "Regionally significant infrastructure" (page 33)	Support in part		Amend the definition of **regionally significant infrastructure**: **Regionally significant infrastructure** means: … (10) Established community-scale irrigation and stockwater infrastructure, …
SRMR-I5 – Freshwater demand exceeds capacity in some places	Support in part	The PRPS correctly identifies that in water-short catchments, freshwater availability may not be able to meet competing demands. In terms of "impact snapshot" (page 75), the PRPS states that a lack of freshwater can negatively impact economic output from industries that rely on water in the productive process. Also, that these impacts can be mitigated (to varying degrees) through water efficiency measures and innovation. In terms of social impacts, the PRPS notes that additional freshwater storage may be required for future urban growth. Storage and water harvesting will be key tools for future climate change adaptation, in order to support a range of values. This includes instream ecological values as surface water flows change from historical patterns due to variations in precipitation and snow pack volumes. Water storage is likely to be an effective means for protecting people, property, and ecosystems from the worst effects of prolonged periods of	Amend the economic impact snapshot: "…and innovation. New and additional freshwater storage may also be required in the future."

		drought punctuated by more frequent storm and flood events. Water storage should not be limited to only being considered in relation to urban expansion. Expanding the consideration of storage beyond simply the requirements for urban expansion would also align with RMIA-WAI-I5 (page 88), which states that a lack of water harvesting is a water allocation for Kāi Tahu, which presumably water storage would address; and LF-FW-M6 which seeks to provide for water storage through regional plans.	
SRMR-I11 – the environmental costs of our activities in Otago are adding up with tipping points potentially reached	Oppose in part	Whilst the potential cumulative environmental impacts of human activities are acknowledged, the use of the phrase "tipping points" as drafted is vague and is inconsistent with other provisions within the PRPS (which instead refer to limits, which is a defined and well-understood term). The Statement for the issue doesn't reflect the heading – it does not refer to cumulative impacts, resilience, or tipping points. The concept of environmental tipping points is generally understood to mean a point at which an ecosystem can no longer cope with environmental change, and the ecosystem suddenly shifts from one state to another. An example of this are the trophic levels used to indicate the health and functioning of lakes – a tipping point can cause a lake to flip from one trophic level to another.	SRMR-I11 – Cumulative impacts and resilience – the environmental costs of our activities are accumulating ~~adding up~~ with ~~tipping points~~ limits potentially being reached "…before they reach limits beyond which some ecological and other systems can no longer properly function…"

		However, the Context section here refers to the Otago "society" as needing to be resilient in relation to tipping points and disruptive events (and references Civil Defence and Emergency Management's national disaster strategy as an example), which is somewhat different to ecological tipping points.	
RMIA-WAI-I5 – Water allocation concerns (page 88)	Support	It is noted that a lack of water harvesting is a concern around water allocation for Kāi Tahu. WIC supports water harvesting and storage as a means for improving water availability, allowing adaption to the effects of climate change, and supporting multiple values (including instream ecological values).	Retain wording as drafted.
IM-P3 – Providing for mana whenua cultural values in achieving integrated management AND **LF-WAI-O1** – Te Mana o te Wai AND	Oppose in part	WIC is concerned as to the implications for resource management decision-making should these provisions remain as drafted. It is noted that kaitiakitaka is defined term within the PRPS and is also one of the "implementation principles" that has been included in exposure draft of the Natural and Built Environments Bill. However, rakatirataka is not so defined and is not required to be implemented through any national planning instruments. It is not a principle of Te Mana o te Wai which requires implementation under the NPSFM. The meaning of rakatirataka will be critical for how it is to be implemented in lower order planning instruments.	Amend wording as follows: Recognise and provide for Kāi Tahu's relationship with natural resrouces by: (1) enabling manawhenua to exercise ~~rakatirataka and~~ kaitiakitaka And remove other references to rakatiratakа

LF-WAI-P2 – Mana whakahaere AND **LF-WAI-P4 –** Giving effect to Te Mana o te Wai AND **LF-WAI-AER1**		In the 2019 Waitaki Iwi Management Plan, rakatirataka is defined as "chieftainship, decision-making rights." The Raupō Pocket Dictionary of Modern Māori defines it as "chiefly power, sovereignty, realm." It therefore has significant implications when given status in a higher order planning document such as the regional policy statement. Although there are some bounds placed around the term within some of the policies in the PRPS, this is not the case with other provisions in the PRPS which include rakatirataka as a concept to be implemented. Without a clear definition, it is extremely difficult for resource users to understand what the effects of these provisions will be in practice. Policy LF-WAI-P4 provides that LF-WAI-P2 (and others) is fundamental to upholding Te Mana o tew ai, therefore this a significant policy. As noted, rakatirataka is a concept that is not expressly defined per se, but the policy provides guidance on what it means here. Is it intended that this is the meaning to be applied throughout the PRPS? If so, this should be expressly stated in the definition section.	
IM-P9 - Community response to	Oppose in part	It is submitted that this, as drafted, is not actually a policy. It is stated as an outcome, and contains no mechanism for how the policy should be implemented. It does not say how the	Deletion of policy or change it from a policy to be an anticipated environmental result.

climate change		community responses are to be achieved, etc. For example, other policies use mechanisms such as co-ordination, facilitation, recognition, providing for, avoidance, etc.	
IM-P12	Support	Water storage is likely to be a key tool to mitigate the effects of climate change across a range of values. Prolonged periods of drought are likely to become more frequent and severe, and will be punctuated by heavy storm and flood events. Storing floodwater and high flows will therefore be critical for reducing the impacts of flood events, but also for supporting instream and human-use values in periods of low flow. However, as water storage construction may have other environmental effects which may mean bottom lines need to be contravened in certain circumstances.	Retain wording as drafted.
IM-P15	Oppose	It is submitted that there are two issues with the proposed policy. First is the lack of a clear definition of the "precautionary approach." The second is the lack of guidance within the policy itself as to how it is to be implemented and there is inconsistency within the PRPS with other policies requiring the approach be taken. The proposed wording around the approach is very broad, and the implications for resource users in areas with values "that have not been	Provide a definition in the interpretation section that aligns with the wording of the draft Natural and Built Environments Bill as follows: **Precautionary approach** means an approach that, in order to protect the natural environment if there are threats of serious or irreversible harm to the environment, favours taking action to prevent those adverse effects rather than postponing action on the ground that there is a lack of full scientific certainty.

		identified in plans" are significant and potentially very widespread across the region. It is noted that the "precautionary approach" is a proposed "implementation principle" in the Exposure Draft of the Natural and Built Environments Bill. The Bill provides a clear definition of what the approach means and how it should be applied (emphasis added): "an approach that, in order to protect the natural environment if there are threats of serious or irreversible harm to the environment, **favours taking action to prevent those adverse effects** rather than postponing action on the ground that there is a lack of full scientific certainty." As there is not a clear definition of the approach within the PRPS, there is inconsistency across other policies and methods that require the approach to be taken or adopted. For instance, policy LF-WAI-P3 states that freshwater and land are to be managed "using an integrated approach that…(7) has regard to cumulative effects and the need to apply a precautionary approach where there is limited available information or uncertainty about potential adverse effects." This is different from Policy IM-P15, which states that the approach should be adopted where potential adverse effects are *significant*.	

		Compare it also to policy HAZ-NH-P5 which clearly states how the approach is to be applied (emphasis added): “”…apply a precautionary approach to **identifying, assessing, and managing** that risk by **adopting an avoidance or adaptive management response** to diminish the risk and uncertainty.” However, this also differs from the wording in the HAZ-NH-PR1 principle reasons which states that “a precautionary approach is required where there is scientific uncertainty.” This policy in the PRPS does not provide any guidance to decision-makers as to how the precautionary approach is to be applied. This policy simply states that a precautionary approach should be adopted, but does not state what adopting such an approach would mean. The definition in the draft Bill addresses this and the PRPS should adopt a similar approach.	
IM-M1 – Regional and district plans	Oppose in part	The concept of thresholds could provide some certainty to applicants seeking permits for various activities, if it is understood what thresholds mean and how they are to be implemented. However, the term is not defined, so it is difficult for submitters to understand what this will mean in practice. If a threshold is meant to be a point at which a rule will take effect, how will thresholds be applied to make them different from limits (which	Provide a definition for the term “threshold” and provide guidance for those preparing district and regional plans as to how they are to be implemented, and how they differ from limits.

		are defined, for example, within the NPSFM)? IM-AER1 states that it is anticipated that limits and thresholds will be adhered to, but how will this occur?	
LF-WAI-P1 – Prioritisation	Oppose in part	The priorities as drafted do not marry with the priorities required by the NPSFM. Hauora can be defined as "health" and te hauora o te taiao can be defined as the health of the environment as a whole, with te hauora o te wai being nested within that concept. The first order priority of providing for mana whenua to uphold the stated values is potentially very broad, much broader than the NPSFM.	Amend the priorities to match the hierarchy of obligations that Te Mana o te Wai prioritises in Part 1.3(5) of the NPSFM.
LF-VM-O3 – North Otago FMU vision	Support	As this was developed in collaboration with the community, it reflects the values and aspirations of that community	Retain wording as drafted.
LF-VM-M3 – Community involvement	Support	It is important that community and industry-led guidelines, initiatives, etc are enabled and supported, as these can lead to significant practice improvements, changes, and innovation.	Retain wording as drafted.
LF-FW-O8 – Fresh water	Oppose in part	Objective (2) states that in Otago's water bodies and catchments "(2) water flow is continuous throughout the whole system." It is unclear what a "system" would be in this context as it is undefined – is it larger than a catchment? There is also the potential for unintended consequences of this objective in catchments	Amend objective to read: "In Otago's water bodies and their catchments: … (2) where possible, connected water flow systems are maintained ~~is continuous~~ throughout catchments ~~the whole system.~~

		and waterbodies with intermittent flows and/or naturally dry reaches.	
LF-FW-M5 – Outstanding water bodies	Oppose in part	The method refers to the development of a list of outstanding water bodies, "including those water bodies listed in LF-VM-P6." Policy LF-VM-P6 does not include any such list. Presumably this is meant to refer to LF-FW-P11?	Amend wording to include correct Policy reference.
LF-FW-M6 – Regional plans	Support in part	As discussed above, water storage will be a key tool to support communities mitigate and adapt to the effects of climate change. However, in some circumstances in-stream storage may also be required (for instance where such storage already exists but increased storage capacity may be required, or where geography/topography prevents off-stream storage). The qualifiers (a) – (c) allow for in-stream values and considerations to be addressed even in relation to in-stream storage.	Amend wording to read: … (6) provide for the ~~off-stream~~ storage of surface water where storage will…
LF-LS-O11	Support	It is critical that highly productive land remains available for primary production now and into the future.	Retain wording as drafted.
LF-LS-P19	Support in part	The criteria used to identify highly productive land should be expanded to include current and potential access to water. The proposed National Policy Statement for Highly Productive Land provides a different definition than in the PRPS. Although still draft, it would be appropriate to ensure the PRPS is as consistent with the	Amend wording to read: (1)…~~and~~, (d) the current or potential availability of water to support primary production on the land, and…

		proposed NPS as possible. The use of irrigation creates options for land use that are highly productive even on areas of lower class soils. There are also areas that are highly productive on relatively poor soils according to land use classification, such as those used for viticulture, which should also be protected from urban development and fragmentation. Expanding the definition would align the Policy with the wording in the LF-LS-E4 Explanation which describes highly productive land as that which is used for primary production that provides economic and employment benefits.	
LF-LS-M12 – District Plans	Support in part	Suitable controls are required to ensure that plantation forestry (whether for harvest or carbon sequestration purposes) are managed effectively, particularly in the headwaters of flow-sensitive catchments. However, the proposed implementation deadline of 2026 is too far into the future. Significant plantation forestry development could occur over the next five years, with little control able to be exercised over it by territorial authorities.	Amend Method to require district plans to be amended and maintained as required by 31 December 2023.
ECO-P3 – Protecting significant natural areas and taoka	Oppose in part	A description of Kāi Tahu values is set out in the mana whenua section of the PRPS – but it notes that this is not a complete list. Although this policy only relates to significant natural areas and taoka indigenous ecosystems and indigenous	Amend wording as follows: (1) ~~avoiding~~ minimising effects that result in…

		species, those ecosystems that are considered to be taoka are yet to be identified. As per the decision of the Supreme Court in the *King Salmon*[2] case, 'avoid' means 'not allow' or 'prevent the occurrence of' and language like this in higher-order planning instruments such as policy statements is strong and directive. The effects of this policy could be far reaching for land-owners as it could effectively prohibit activities that may result in the loss of (currently unspecified) Kāi Tahu values in (as yet unspecified) areas.	
Topic: Infrastructure (Inf)	Generally support	Support the topic as drafted with the proviso that irrigation infrastructure is recognised as being "regionally significant."	As per discussion in relation to the definition of regionally significant infrastructure, above.
HCV-WT-P2 – Management of wāhi tūpuna	Oppose in part	As per the discussion related to ECO-P3 above.	Amend wording as follows: … (3) ~~avoiding~~ minimising the effects of ~~any~~ activities that may be considered…

[2] *Environmental Defence Society Inc v New Zealand King Salmon Company Limited* [2014] NZSC 38.