

Explanatory comments on evidence of Graeme Martin.

### **Position on LCG: a personal statement**

For avoidance of all doubt I record that my involvement with the Lindis Catchment Group, as its independent chairman, is undertaken on a strictly voluntary and un-remunerated basis.

My involvement is independent of my past position and work as CEO of the Otago Regional Council, and was entered into only after I had discussed the invitation to take up the role with the Chairman and present CEO of the Otago Regional Council. Subsequently I discussed my professional principles with the LCG Committee.

With those three endorsements I accepted the invitation to the position.

In this position my professional intent is to assist fractious parties to understand each other's viewpoints, find some common ground, collectively explore innovative ways to apply the law, build community, and improve catchment management in an holistic way. This approach, I hope, will help achieve a practicable and durable change within the Lindis Catchment and for all who live within it or visit and enjoy it.

### **Changes to LCG submission**

1. The LCG has amended its stance on the proposed primary allocation.
2. Having explored in considerable detail what would constitute fair, equitable and practicable transition provisions to a new regulatory low flow regime, the LCG now submits that the primary allocation must be not less than 1900 l/s.
3. The ORC notified 1000l/s primary allocation was devoid of verifiable justification. The LCG submission for a 1500l/s was seen as being a minimal need when it was proposed. However time has now allowed a detailed review, based on consultant analysis and full consideration as to how the community can make needed changes.
4. The LCG sought a transition period allowing that the PPC5A minimum flow would not be applied before October 2026.
5. Again, in light of subsequent consultancy work and detailed analysis of prerequisite transition matters, the LCG is forced to revise its position to a transition period extending to not less than five years after all deemed permit replacement consents have been finally issued.

### **Transition needs expressed as principles**

6. In the evidence that the LCG is submitting on transition needs, everything is based on principles of need, not on draft rule and policy changes.

7. The reason for this is that without acceptance of the principles and their justifying reasoning, no detailed regulatory drafts will be able to be adequately developed.
8. At earlier stages for consultation and discussion, up to and including the S42A report, the ORC has systematically rejected specific proposals and the need for transition other than what is contained within the existing Regional Plan: Water.
9. The LCG position, together with other catchment interests, is that specific transition provisions are needed. The existing generic provisions can not achieve the needed change in the Statutory and PPC5A timeframes.
10. The objection of ORC to any specific transition conditions has also been stated as an unacceptable precedent. The LCG does not want any transition condition that is not justified for the Lindis Catchment and no other catchment interests have sought involvement in Lindis specific rules and policy.
11. However the LCG notes that the ORC has so far not taken into consideration the need for it to ensure its proposal is practical and achievable. The paucity of reasoning is of concern.
12. Additionally the ORC, when asked, could not provide a pathway to be fair and equitable to all water users as they, at different capabilities and pace, make change to meet PPC5A commencement of the minimum flow.
13. The LCG notes that transition provisions are an every day outcome of RMA consent decisions. Rights to act must precede taking action. That time gap has to be catered for in a reasonable a fair manner. Where such transition needs are faced multiple times it is time and cost effective option to facilitate them via a rule or regulatory policy

#### **Default outcome action/timespans**

14. My evidence has outlined the plethora of real world issues Lindis irrigators must work through whatever the PPC5A finally directs.
15. There are several unavoidable points of consideration:
  - a. Firstly none of the action steps and decisions listed is able to be time controlled or time directed by any individual, party, or regulatory agency.
  - b. Secondly none of the action steps and decisions listed is amenable to being soundly determined in isolation by individuals.
  - c. Thirdly the major environmental gains that might be made, can only be made if the LIC ceases its current river abstraction. Cessation of those abstractions in their current form and location will make the major change to the length of the Lindis river that is flow diminished. Failure to do this makes the PPC5A unworkable for the irrigators. But doing it creates a nightmare scenario of change difficulty that needs time, understanding, and simplifying assistance.

- d. Closure of the LIC scheme can not to be taken as a foregone conclusion. It has to be earned as being a feasible and highly desirable step in the change process. PPC5A fails to recognise the centrality of the LIC scheme to making a workable PPC5A.
- e. Cessation of the existing LIC abstractions is not within the direction of the ORC or PPC5A. It is a complex process that requires the many shareholders of the LIC to agree to such change. Agreement to that level of change can not be assumed to be forthcoming unless and until the vast majority of shareholders can see how their activities can be altered to suit and that the remaining shareholders have plausible, fair, and just options before them.
- f. The sourcing of alternative water sources beyond Lindis river and its linked groundwater had been a major hope for all interests. That desire was developed by the community as a scheme proposal known as Tarras Water Limited (TWL) proposal. The failure of the TWL proposal pushed some irrigators into private change arrangements and so closed off the potential for a community approach, or a cascade of individual approaches, to use the Clutha River water in place of Lindis water. [It is a matter of factual record that the ORC resolved to not actively facilitate implementation of any TWL community scheme]

16. The realistic default position looks something like this:

- A. PPC5A decision is appealed by one or more parties. (Say June 2017)
- B. Environment Court hearing (after mediation attempts) is required.
- C. Environment Court decision is issued. (Say December 2018)
- D. LIC assesses its position, consults members, prepares a strategy for implementing PPC5A, and seeks shareholder endorsement. (Say June 2020)
- E. LCG coordinates deemed permit replacement consent applications and lodges basic applications. (Must be not later than 1 April 2021 regardless of the progress on all earlier steps)
- F. ORC seeks additional information on applications, conducts consultation with applicants, makes recommending report to Consent Hearing Panel. (Say April 2022)
- G. Replacement consents, incorporating transition provisions issued. (Say September 2022)
- H. Consent decision(s) appealed to Environment Court. (Say October 2022)
- I. Environment Court decision is issued, with transition conditions, after any meditation attempts. (Say September 2023)

17. This default timetable is not an extended proposition. Most elements it contains have not typically or constantly been achieved in the times suggested. In particular, timelines will be longer if other parties are admitted to decision making processes. Matters being litigated through PPC5A will likely be attempted to be re-litigated through these other processes.

18. In any event it is all predicated on what the LIC stance becomes as to its future operation.

## Leadership /Social Capital

19. In my evidence I have concluded with a statement about the Lindis community.
20. The same is true of almost any small rural community.
21. But when the viability of members of such communities is considered at risk, or threatened, they only have three options. Create their way forward, acquiesce, or fight to exhaustion. Of these three options only the first is helpful and productive.
22. The formation of the LCG was to create a way forward given the real and perceived consequences on the community of the then consulted and draft PPC5A
23. But moving forward in this way, from within the community, can create unhelpful responses such as a siege mentality or a community divisions over who is where and has what.
24. A leadership is needed. A leadership that is knowledgeable, thoughtful, approachable, innovative, solution focussed and compassionate.
25. This type of situation where irrigation development, change, community futures and cohesion are at stake the leadership must focus on Social Capital.
26. A LandCare Research report has recently addressed this topic.

Graeme Martin  
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